

## Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.



U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY—BULLETIN NO. 69, PART I.

H. W. WILEY, Chief.

---

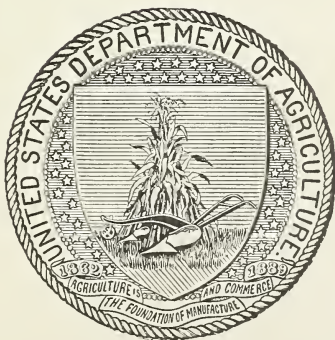
# FOODS AND FOOD CONTROL.

[I.]

BY

W. D. BIGELOW,

*Chief of Food Laboratory.*



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1902.



## LETTER OF TRANSMITTAL.

---

U. S. DEPARTMENT OF AGRICULTURE,  
BUREAU OF CHEMISTRY, OFFICE OF THE CHIEF,  
*Washington, D. C., August 21, 1902.*

SIR: I have the honor to submit for your inspection and approval a manuscript containing a compilation of the Federal food laws, together with the food laws of Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, and Idaho, with the recommendation that it be published as Part I of Bulletin No. 69 of the Bureau of Chemistry.

Respectfully,

W. D. BIGELOW,  
*Acting Chief.*

HON. JAMES WILSON,  
*Secretary of Agriculture.*



# CONTENTS

---

	Page.
Federal laws .....	1
Filled-cheese law .....	1
Mixed-flour law .....	5
Oleomargarine law .....	7
Process butter .....	12
Misbranding of foods .....	19
Investigation of foods .....	19
Pure-food bill .....	21
Alabama .....	26
General food law .....	26
Alcoholic beverages .....	26
Bread .....	26
Butter .....	27
Confectionery .....	27
Meat .....	27
Alaska .....	28
General food laws .....	28
Arizona .....	29
General food law .....	29
Butter .....	29
Arkansas .....	30
General food law .....	30
Butter .....	30
Candy .....	31
Wine .....	31
California .....	33
General food laws .....	33
Candy .....	35
Dairy products .....	35
Honey .....	41
Olive oil .....	42
Sirups .....	43
Wine .....	43
Colorado .....	46
General food law .....	46
Alcoholic beverages .....	48
Dairy products .....	49
Connecticut .....	53
General food laws .....	54
Alcoholic beverages .....	57
Confectionery .....	57
Dairy products .....	58
Drugs .....	61
Fish .....	61
Meat .....	61
Molasses .....	61
Vinegar .....	62
Water .....	63

	Page.
Delaware .....	65
Breadstuffs .....	65
Butter .....	67
Candy .....	68
Fruit .....	69
District of Columbia .....	70
General food laws .....	70
Candy .....	74
Milk .....	75
Regulations of the board of health .....	77
Florida .....	82
General food law .....	82
Alcoholic beverages .....	82
Bread .....	82
Butter .....	82
Candy .....	82
Drugs .....	83
Veal .....	83
Georgia .....	84
General food laws .....	84
Alcoholic beverages .....	84
Candy .....	84
Dairy products .....	84
Hawaii .....	88
General food laws .....	88
Milk .....	89
Territorial regulations .....	89
Idaho .....	91
General food laws .....	91
Butter .....	91
Candy .....	92
Vinegar .....	92



# FOODS AND FOOD CONTROL—I.

---

## FEDERAL LAWS.

With the exception of the law of July 1, 1902 (p. 19), and certain sections of the act of June 3, 1902, making appropriations for the Department of Agriculture (p. 19), all laws relating to food that have been enacted by Congress (except legislative enactments for the District of Columbia), were intended primarily as revenue measures. This class of legislation began July 4, 1861, on which date Congress met in its first (extraordinary) session after the commencement of the civil war, at which session was commenced the legislation which has since produced the system of internal taxation. The internal-revenue laws enacted prior to 1898 include all alcoholic beverages except cider and no other food except oleomargarine, whose manufacture and sale was regulated by the law of August 2, 1886. While intended primarily as revenue measures, they have a direct effect upon the purity of the alcoholic beverages manufactured, since they prohibit the adulteration of the liquors whose manufacture they regulate. These laws are so voluminous, and the sections in them relating to the purity of alcoholic beverages so infrequent, that it is not deemed advisable to include them in this publication. The regulations relating to the internal-revenue laws are quite voluminous and are published by the Bureau of Internal Revenue.

In 1898 internal-revenue laws were passed regulating the manufacture and sale of filled cheese and mixed flour. In 1902 the oleomargarine law was amended and extended so as to include process butter within its provisions.

The acts of Congress relating to this subject are as follows:

### FILLED CHEESE LAW.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of this Act, the word "cheese" shall be understood to mean the food product known as cheese, and which is made from milk or cream and without the addition of butter, or any animal, vegetable, or other oils or fats foreign to such milk or cream, with or without additional coloring matter.

SEC. 2. That for the purposes of this Act certain substances and compounds shall be known and designated as "filled cheese," namely: All substances made of milk

or skimmed milk, with the admixture of butter, animal oils or fats, vegetable or any other oils, or compounds foreign to such milk, and made in imitation or semblance of cheese.

SEC. 3. That special taxes are imposed as follows:

Manufacturers of filled cheese shall pay four hundred dollars for each and every factory per annum. Every person, firm, or corporation who manufactures filled cheese for sale shall be deemed a manufacturer of filled cheese. Wholesale dealers in filled cheese shall pay two hundred and fifty dollars per annum. Every person, firm, or corporation who sells or offers for sale filled cheese in the original manufacturer's packages for resale, or to retail dealers as hereinafter defined, shall be deemed a wholesale dealer in filled cheese. But any manufacturer of filled cheese who has given the required bond and paid the required special tax, and who sells only filled cheese of his own production, at the place of manufacture, in the original packages, to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in filled cheese on account of such sales.

Retail dealers in filled cheese shall pay twelve dollars per annum. Every person who sells filled cheese at retail, not for resale, and for actual consumption, shall be regarded as a retail dealer in filled cheese, and sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, thirty-two hundred and forty-three of the Revised Statutes of the United States<sup>a</sup> are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the persons, firms, or corporations upon whom they are imposed: *Provided*, That all special taxes under this Act shall become due on the first day of July in every year, or on commencing any manufacture, trade, or business on which said tax is imposed. In the latter case the tax shall be reckoned proportionately from the first day of the month in which the liability to the special tax commences to the first day of July following.

SEC. 4. That every person, firm, or corporation who carries on the business of a manufacturer of filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than four hundred dollars and not more than three thousand dollars; and every person, firm, or corporation who carries on the business of a wholesale dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than two hundred and fifty dollars nor more than one thousand dollars; and every person, firm, or corporation who carries on the business of a retail dealer in filled cheese without having paid the special tax therefor, as required by law, shall, besides being liable for the payment of the tax, be fined not less than forty nor more than five hundred dollars for each and every offense.

SEC. 5. That every manufacturer of filled cheese shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of materials and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five thousand dollars; and the amount of said bond may be increased from time to time, and additional sureties required, at the discretion of the collector or under

<sup>a</sup> These sections regulate the administration and collection of special taxes in general. (See Revised Statutes of the United States, 2d ed., 1878, p. 620.)

instructions of the Commissioner of Internal Revenue. Any manufacturer of filled cheese who fails to comply with the provisions of this section or with the regulations herein authorized, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five hundred nor more than one thousand dollars.

SEC. 6. That filled cheese shall be packed by the manufacturers in wooden packages only, not before used for that purpose, and marked, stamped, and branded with the words "filled cheese" in black-faced letters not less than two inches in length, in a circle in the center of the top and bottom of the cheese; and in black-faced letters of not less than two inches in length in line from the top to the bottom of the cheese, on the side in four places equidistant from each other; and the package containing such cheese shall be marked in the same manner, and in the same number of places, and in the same description of letters as above provided for the marking of the cheese; and all sales or consignments made by manufacturers of filled cheese to wholesale dealers in filled cheese or to exporters of filled cheese shall be in original stamped packages. Retail dealers in filled cheese shall sell only from original stamped packages, and shall pack the filled cheese when sold in suitable wooden or paper packages, which shall be marked and branded in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Every person who knowingly sells or offers to sell, or delivers or offers to deliver, filled cheese in any other form than in new wooden or paper packages, marked and branded as hereinbefore provided and as above described, or who packs in any package or packages filled cheese in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall upon conviction thereof be fined for each and every offense not less than fifty dollars and not more than five hundred dollars or be imprisoned not less than thirty days nor more than one year.

SEC. 7. That all retail and wholesale dealers in filled cheese shall display in a conspicuous place in his or their sales room a sign bearing the words "Filled cheese sold here" in black-faced letters not less than six inches in length, upon a white ground, with the name and number of the revenue district in which his or their business is conducted; and any wholesale or retail dealer in filled cheese who fails or neglects to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined for each and every offense not less than fifty dollars and not more than two hundred dollars.

SEC. 8. That every manufacturer of filled cheese shall securely affix, by pasting on each package containing filled cheese manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and state in which it is situated, these words: "Notice.—The manufacturer of the filled cheese herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of filled cheese who neglects to affix such label to any package containing filled cheese made by him or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense is committed.

SEC. 9. That upon all filled cheese which shall be manufactured there shall be assessed and collected a tax of one cent per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

SEC. 10. That whenever any manufacturer of filled cheese sells or removes for sale or consumption any filled cheese upon which the tax is required to be paid by

stamps, without paying such tax, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid and to make an assessment thereof and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 11. That all filled cheese as herein defined imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal-revenue tax of eight cents per pound, such tax to be represented by coupon stamps; and such imported filled cheese and the packages containing the same shall be stamped, marked, and branded, as in the case of filled cheese manufactured in the United States.

SEC. 12. That any person who knowingly purchases or receives for sale any filled cheese which has not been branded or stamped according to law, or which is contained in packages not branded or marked according to law, shall be liable to a penalty of fifty dollars for each such offense.

SEC. 13. That every person who knowingly purchases or receives for sale any filled cheese from any manufacturer or importer who has not paid the special tax herein provided for shall be liable, for each offense, to a penalty of one hundred dollars and to a forfeiture of all articles so purchased or received, or of the full value thereof.

SEC. 14. That whenever any stamped package containing filled cheese is emptied it shall be the duty of the person in whose hands the same is to destroy the stamps thereon; and any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding fifty dollars or imprisoned not less than ten days nor more than six months.

SEC. 15. That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises.

SEC. 16. That all packages of filled cheese subject to tax under this Act that shall be found without stamps or marks as herein provided, and all filled cheese intended for human consumption which contains ingredients adjudged as hereinbefore provided to be deleterious to the public health, shall be forfeited to the United States.

SEC. 17. That all fines, penalties, and forfeitures imposed by this Act may be recovered in any court of competent jurisdiction.

SEC. 18. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful regulations for the carrying into effect the provisions of this Act.

SEC. 19. That this Act shall go into effect on the ninetieth day after its passage, and all wooden packages containing ten or more pounds of filled cheese found on the premises of any dealer on and after the ninetieth day succeeding the date of the passage of this Act, shall be deemed to be taxable under section nine of this Act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this Act or by regulations made pursuant to this Act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this Act, the filled cheese shall be regarded as having been manufactured and sold or removed from the manufactory for consumption or use on or after the day this Act takes effect; and such stock on hand at the time of the taking effect of this Act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.—*Approved June 6, 1896.*

## MIXED FLOUR LAW.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of this Act the words "mixed flour" shall be understood to mean the food product made from wheat mixed or blended in whole or in part with any other grain or other material, or the manufactured product of any other grain or other material than wheat.

SEC. 36. That every person, firm, or corporation, before engaging in the business of making, packing, or repacking mixed flour, shall pay a special tax at the rate of twelve dollars per annum, the same to be paid and posted in accordance with the provisions of sections thirty-two hundred and forty-two and thirty-two hundred and thirty-nine of the Revised Statutes,<sup>a</sup> and subject to the fines and penalties therein imposed for any violation thereof.

SEC. 37. That every person, firm, or corporation making, packing, or repacking mixed flour shall plainly mark or brand each package containing the same with the words "mixed flour" in plain black letters not less than two inches in length, together with the true weight of such package, the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed. In addition thereto, such maker or packer shall place in each package a card not smaller than two inches in width by three inches in length, upon which shall be printed the words "mixed flour," together with the names of the ingredients composing the same, and the name of the maker or packer, and the place where made or packed. Any person, firm, or corporation making, packing, or repacking mixed flour hereunder, failing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, or be imprisoned not less than sixty days nor more than one year.

SEC. 38. That all sales and consignments of mixed flour shall be in packages not before used for that purpose; and every person, firm, or corporation knowingly selling or offering for sale any mixed flour in other than marked and branded packages, as required by the provisions of this Act relating to the manufacture and sale of mixed flour, or who packs in any package or packages any mixed flour in any manner contrary to the provisions relating to the manufacture and sale of mixed flour of this Act, or who falsely marks or brands any package or packages containing mixed flour, or unlawfully removes such marks or brands, shall, for each such offense, be punished by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, or by imprisonment not less than thirty days nor more than one year.

SEC. 39. That in addition to the branding and marking of mixed flour as herein provided, there shall be affixed to the packages containing the same a label in the following words: "Notice.—The (manufacturer or packer, as the case may be) of the mixed flour herein contained has complied with all the requirements of law. Every person is cautioned not to use this package or label again or to remove the contents without destroying the revenue stamp thereon, under the penalty prescribed by law in such cases." Every person, firm, or corporation failing or neglecting to affix such label to any package containing mixed flour made or packed by him or them, or who removes from any such package any label so affixed, shall, upon conviction thereof, be fined not less than fifty dollars for each label so removed.

SEC. 40. That barrels or other packages in which mixed flour may be packed shall contain not to exceed one hundred and ninety-six pounds; that upon the manufacture and sale of mixed flour there shall be levied a tax of four cents per barrel or other package containing one hundred and ninety-six pounds or more than ninety-eight pounds; two cents on every half barrel or other package containing ninety-

<sup>a</sup>See pp. 621, 622, 2d ed., 1878.

eight pounds or more than forty-nine pounds; one cent on every quarter barrel or other package containing forty-nine pounds or more than twenty-four and one-half pounds; and one-half cent on every one-eighth barrel or other package containing twenty-four and a half pounds or less, to be paid by the person, firm, or corporation making or packing said flour. The tax levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff shall, so far as applicable, be made to apply to stamps provided in this section: *Provided*, That when mixed flour, on the manufacture and sale of which the tax herein imposed has been paid, is sold and then repacked without the addition of any other material, such repacked flour shall not be liable to any additional tax; but the packages containing such repacked flour shall be branded or marked as required by the provisions of section thirty-seven of this Act, and shall contain the card provided for in section thirty-seven hereof; and in addition thereto the person, firm, or corporation repacking mixed flour shall place on the packages containing the same a label in the following words: "Notice.—The contents of this package have been taken from a regular statutory package, upon which the tax has been duly paid." Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than two hundred and fifty dollars and not more than five hundred dollars, or by imprisonment not to exceed one year.

SEC. 41. That whenever any person, firm, or corporation sells, consigns, or removes for sale, consignment, or consumption any mixed flour upon which the tax required by this Act has not been paid, it shall be the duty of the Commissioner of Internal Revenue, for a period of not more than one year after such sale, consignment, or removal, upon satisfactory proof, to estimate the amount of tax which should have been paid, and to make an assessment therefor and certify the same to the collector of the proper district. The tax so assessed shall be in addition to the penalties imposed by this Act for an unauthorized sale or removal.

SEC. 42. That all mixed flours, imported from foreign countries, shall, in addition to any import duties imposed thereon, pay an internal-revenue tax equal in amount to the tax imposed under section forty of this Act, such tax to be represented by coupon stamps, and the packages containing such imported mixed flour shall be marked, branded, labeled, and stamped as in the case of mixed flour made or packed in the United States. Any person, firm, or corporation purchasing or receiving for sale or repacking any such mixed flour which has not been branded, labeled, or stamped, as required by this Act, or which is contained in packages which have not been marked, branded, labeled, or stamped, as required by this Act, shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars.

SEC. 43. That any person, firm, or corporation knowingly purchasing or receiving for sale or for repacking and resale any mixed flour from any maker, packer, or importer, who has not paid the tax herein provided, shall, for each offense, be fined not less than fifty dollars, and forfeit to the United States all the articles so purchased or received, or the full value thereof.

SEC. 44. That mixed flour may be removed from the place of manufacture or from the place where packed for export to a foreign country without payment of tax or affixing stamps or label thereto, under such regulation and the filing of such bond and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person, firm, or corporation who shall export mixed flour shall plainly mark on each package containing the same the words "mixed flour," and the names of the ingredients composing the same, the name of the maker or packer, and the place where made or packed, in accordance with the provisions of sections thirty-six to forty-five, inclusive, of this Act.

SEC. 45. That whenever any package containing mixed flour is emptied it shall be the duty of the person in whose possession it is to destroy the stamp thereon. Any

person disposing of such package without first having destroyed the stamp or mark or marks thereon shall, upon conviction, be punished by a fine not exceeding the sum of twenty-five dollars.

Sec. 46. That all fines, penalties, and forfeitures imposed by section thirty-six to section forty-five, both inclusive, of this Act may be recovered in any court of competent jurisdiction.

Sec. 47. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all needful rules and regulations for carrying into effect the provisions relating to the manufacture and sale of mixed flour, being section thirty-five to section forty-nine, both inclusive, of this Act, and the said Commissioner of Internal Revenue, by and with the approval of the Secretary of the Treasury, for the purpose of carrying said last-mentioned provisions of this Act into effect, is hereby authorized to employ such additional clerks and agents as may be necessary for that purpose, not to exceed twenty in number.

Sec. 48. That any person, firm, or corporation found guilty of a second or any subsequent violation of any of the provisions of section thirty-six to section forty-five, both inclusive, relating to the manufacture and sale of mixed flour as aforesaid, of this Act shall, in addition to the penalties herein imposed, be imprisoned not less than thirty days nor more than ninety days.

Sec. 49. That the provisions of this Act relating to the manufacture and sale of mixed flour shall take effect and be in force sixty days from and after the date of the passage of this Act; and all packages of mixed flour found on the premises of any person, firm, or corporation on said day, who has made, packed, or repacked the same, on which the tax herein authorized has not been paid, shall be deemed taxable under the provisions of section thirty-six to section forty-five, both inclusive, of this Act, and shall be taxed and have affixed thereon such marks, brands, labels, and stamps as required by the provisions of said sections or by the rules and regulations prescribed by the Commissioner of Internal Revenue, under authority of this Act.—*Approved, June 13, 1898.*

#### OLEOMARGARINE LAW.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all articles known as oleomargarine, butterine, imitation, process, renovated, or adulterated butter, or imitation cheese, or any substance in the semblance of butter or cheese not the usual product of the dairy and not made exclusively of pure and unadulterated milk or cream, transported into any State or Territory or the District of Columbia, and remaining therein for use, consumption, sale, or storage therein, shall, upon the arrival within the limits of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Section 1, Act of August 2, 1886:

That for the purpose of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter.

Section 2, Act of August 2, 1886:

That for the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances

heretofore known as oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine-oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef-fat, suet, lard, lard-oil, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat made in imitation or semblance of butter, or when so made, calculated or intended to be sold as butter or for butter.

Section 3, Act of August 2, 1886, as amended by section 2 of the Act of May 9, 1902, provides as follows:

That special taxes are imposed as follows:

Manufacturers of oleomargarine shall pay six hundred dollars. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

And any person that sells, vends or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow shall also be held to be a manufacturer of oleomargarine within the meaning of said Act, and subject to the provisions thereof.

Wholesale dealers in oleomargarine shall pay four hundred and eighty dollars. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production, at the place of manufacture, in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales.

Retail dealers in oleomargarine shall pay forty-eight dollars. Every person who sells oleomargarine in less quantities than ten pounds at one time shall be regarded as a retail dealer in oleomargarine. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed: *Provided further*, That wholesale dealers who vend no other oleomargarine or butterine except that upon which a tax of one-fourth of one cent per pound is imposed by this Act, as amended, shall pay two hundred dollars; and such retail dealers as vend no other oleomargarine or butterine except that upon which is imposed by this Act, as amended, a tax of one-fourth of one cent per pound shall pay six dollars.

Section 4, Act of August 2, 1886:

That every person who carries on the business of a manufacturer of oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a wholesale dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than five hundred nor more than two thousand dollars; and every person who carries on the business of a retail dealer in oleomargarine without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each and every offense.



Section 5, Act of August 2, 1886:

That every manufacturer of oleomargarine shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number to his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five thousand dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

Section 6, Act of August 2, 1886:

That all oleomargarine shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped, and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of oleomargarine and wholesale dealers in oleomargarine shall be in original stamped packages. Retail dealers in oleomargarine must sell only from original stamped packages, in quantities not exceeding ten pounds, and shall pack the oleomargarine sold by them in suitable wooden or paper packages which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Every person who knowingly sells or offers for sale, or delivers or offers to deliver, any oleomargarine in any other form than in new wooden or paper packages as above described, or who packs in any package any oleomargarine in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars and be imprisoned not more than two years.

Section 7, Act of August 2, 1886:

That every manufacturer of oleomargarine shall securely affix, by pasting, on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of oleomargarine who neglects to affix such label to any package containing oleomargarine made by him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense is committed.

Section 8, Act of August 2, 1886, as amended by Section 3, Act of May 9, 1902:

That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof; and any fractional part of a pound in a package shall be taxed as a pound: *Provided*, When oleomargarine is free from artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of one cent per pound. The tax levied by this section shall be represented by coupon stamps; and the provisions of existing laws governing the engraving, issue, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, as far as applicable, are hereby made to apply to stamps provided for by this section.

Section 9, Act August 2, 1886:

That whenever any manufacturer of oleomargarine sells, or removes for sale or consumption, any oleomargarine upon which the tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

Section 10, Act of August 2, 1886:

That all oleomargarine imported from foreign countries shall, in addition to any import duty imposed on the same, pay an internal revenue tax of fifteen cents per pound, such tax to be represented by coupon stamps as in the case of oleomargarine manufactured in the United States. The stamps shall be affixed and canceled by the owner or importer of the oleomargarine while it is in the custody of the proper custom-house officers; and the oleomargarine shall not pass out of the custody of said officers until the stamps have been so affixed and canceled, but shall be put up in wooden packages, each containing not less than ten pounds, as prescribed in this act for oleomargarine manufactured in the United States, before the stamps are affixed; and the owner or importer of such oleomargarine shall be liable to all the penal provisions of this act prescribed for manufacturers of oleomargarine manufactured in the United States. Whenever it is necessary to take any oleomargarine so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps, the collector of customs of the port where such oleomargarine is entered shall designate a bonded warehouse to which it shall be taken, under the control of such customs officer as such collector may direct; and every officer of customs who permits any such oleomargarine to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. Every person who sells or offers for sale any imported oleomargarine, or oleomargarine purporting or claimed to have been imported, not put up in packages and stamped as provided by this act, shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

Section 11, Act of August 2, 1886:

That every person who knowingly purchases or receives for sale any oleomargarine which has not been branded or stamped according to law shall be liable to a penalty of fifty dollars for each such offense.

Section 12, Act of August 2, 1886:

That every person who knowingly purchases or receives for sale any oleomargarine from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all articles so purchased or received, or of the full value thereof.

Section 13, Act of August 2, 1886:

That whenever any stamped package containing oleomargarine is emptied, it shall be the duty of the person in whose hands the same is, to destroy utterly the stamps thereon; and any person who willfully neglects or refuses so to do shall for each such offense be fined not exceeding fifty dollars, and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing oleomargarine, any such stamped package, shall for each such offense be fined not exceeding one hundred dollars, and be imprisoned not more than one year. Any revenue officer may destroy any emptied oleomargarine package upon which the tax-paid stamp is found.

## Section 14, Act of August 2, 1886:

That there shall be in the office of the Commissioner of Internal Revenue an analytical chemist and a microscopist, who shall each be appointed by the Secretary of the Treasury, and shall each receive a salary of two thousand five hundred dollars per annum; and the Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ chemists and microscopists, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose. And such Commissioner is authorized to decide what substances, extracts, mixtures, or compounds which may be submitted for his inspection in contested cases are to be taxed under this act; and his decision in matters of taxation under this act shall be final. The Commissioner may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner (now Secretary) of Agriculture; and the decisions of this board shall be final in the premises.

## Section 15, Act of August 2, 1886:

That all packages of oleomargarine subject to tax under this act that shall be found without stamps or marks as herein provided, and all oleomargarine intended for human consumption which contains ingredients adjudged, as hereinbefore provided, to be deleterious to the public health, shall be forfeited to the United States. Any person who shall willfully remove or deface the stamps, marks, or brands on a package containing oleomargarine taxed as provided herein shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than two thousand dollars, and by imprisonment for not less than thirty days nor more than six months.

## Section 16, Act of August 2, 1886:

That oleomargarine may be removed from the place of manufacture for export to a foreign country without payment of tax or affixing stamps thereto, under such regulations and the filing of such bonds and other security as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Every person who shall export oleomargarine shall brand upon every tub, firkin, or other package containing such article the word "Oleomargarine," in plain Roman letters not less than one-half inch square.

## Section 17, Act of August 2, 1886:

That whenever any person engaged in carrying on the business of manufacturing oleomargarine defrauds, or attempts to defraud, the United States of the tax on the oleomargarine produced by him, or any part thereof, he shall forfeit the factory and manufacturing apparatus used by him, and all oleomargarine and all raw material for the production of oleomargarine found in the factory and on the factory premises, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years.

## Section 18, Act of August 2, 1886:

That if any manufacturer of oleomargarine, any dealer therein, or any importer or exporter thereof shall knowingly or willfully omit, neglect, or refuse to do, or cause to be done, any of the things required by law in the carrying on or conducting of his business, or shall do anything by this act prohibited, if there be no specific penalty or punishment imposed by any other section of this act for the neglecting, omitting or refusing to do, or for the doing or causing to be done, the thing required or prohibited, he shall pay a penalty of one thousand dollars; and if the person so offending be the manufacturer of or a wholesale dealer in oleomargarine, all the oleomargarine owned by him, or in which he has any interest as owner, shall be forfeited to the United States.

Section 19, Act of August 2, 1886:

That all fines, penalties, and forfeitures imposed by this act may be recovered in any court of competent jurisdiction.

Section 20, Act of August 2, 1886:

That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful regulations for the carrying into effect of this act.

Sec. 21, Act of August 2, 1886:

That this act shall go into effect on the ninetieth day after its passage; and all wooden packages containing ten or more pounds of oleomargarine found on the premises of any dealer on or after the ninetieth day succeeding the date of the passage of this act shall be deemed to be taxable under section eight of this act, and shall be taxed, and shall have affixed thereto the stamps, marks, and brands required by this act or by regulations made pursuant to this act; and for the purpose of securing the affixing of the stamps, marks, and brands required by this act, the oleomargarine shall be regarded as having been manufactured and sold, or removed from the manufactory for consumption or use, on or after the day this act takes effect; and such stock on hand at the time of the taking effect of this act may be stamped, marked, and branded under special regulations of the Commissioner of Internal Revenue, approved by the Secretary of the Treasury; and the Commissioner of Internal Revenue may authorize the holder of such packages to mark and brand the same and to affix thereto the proper tax-paid stamps.

[See also Sec. 6 under "Process Butter."]

#### PROCESS BUTTER. <sup>a</sup>

SEC. 4. That for the purpose of this Act "butter" is hereby defined to mean an article of food as defined in "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six;<sup>b</sup> that "adulterated butter" is hereby defined to mean a grade of butter produced by mixing, reworking, reurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; that "process butter" or "renovated butter" is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting "adulterated butter" as defined by this Act.

That special taxes are imposed as follows:

Manufacturers of process or renovated butter shall pay fifty dollars per year and manufacturers of adulterated butter shall pay six hundred dollars per year. Every person who engages in the production of process or renovated butter or adulterated butter as a business shall be considered to be a manufacturer thereof.

Wholesale dealers in adulterated butter shall pay a tax of four hundred and eighty dollars per annum, and retail dealers in adulterated butter shall pay a tax of forty-eight dollars per annum. Every person who sells adulterated butter in less quantities than ten pounds at one time shall be regarded as a retail dealer in adulterated butter.

<sup>a</sup> The first three sections of this act were amendments of the oleomargarine law.

<sup>b</sup> See Sec. 1, p. 7.

Every person who sells adulterated butter shall be regarded as a dealer in adulterated butter. And sections thirty-two hundred and thirty-two, thirty-two hundred and thirty-three, thirty-two hundred and thirty-four, thirty-two hundred and thirty-five, thirty-two hundred and thirty-six, thirty-two hundred and thirty-seven, thirty-two hundred and thirty-eight, thirty-two hundred and thirty-nine, thirty-two hundred and forty, thirty-two hundred and forty-one, and thirty-two hundred and forty-three of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section and to the person upon whom they are imposed.

That every person who carries on the business of a manufacturer of process or renovated butter or adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than one thousand and not more than five thousand dollars; and every person who carries on the business of a dealer in adulterated butter without having paid the special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than fifty nor more than five hundred dollars for each offense.

That every manufacturer of process or renovated butter or adulterated butter shall file with the collector of internal revenue of the district in which his manufactory is located such notices, inventories, and bonds, shall keep such books and render such returns of material and products, shall put up such signs and affix such number of his factory, and conduct his business under such surveillance of officers and agents as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation require. But the bond required of such manufacturer shall be with sureties satisfactory to the collector of internal revenue, and in a penal sum of not less than five hundred dollars; and the sum of said bond may be increased from time to time and additional sureties required at the discretion of the collector or under instructions of the Commissioner of Internal Revenue.

That all adulterated butter shall be packed by the manufacturer thereof in firkins, tubs, or other wooden packages not before used for that purpose, each containing not less than ten pounds, and marked, stamped and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and all sales made by manufacturers of adulterated butter shall be in original stamped packages.

Dealers in adulterated butter must sell only original stamped packages, and when such original stamped packages are broken, the adulterated butter sold from same shall be placed in suitable wooden or paper packages, which shall be marked and branded as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe. Any person who knowingly sells or offers for sale, or delivers or offers to deliver, any adulterated butter in any other form than in new wooden or paper packages as above described, or who packs in any package any adulterated butter in any manner contrary to law, or who falsely brands any package or affixes a stamp on any package denoting a less amount of tax than that required by law, shall be fined for each offense not more than \$1,000 and be imprisoned not more than two years.

That every manufacturer of adulterated butter shall securely affix, by pasting, on each package containing adulterated butter manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "Notice.—That the manufacturer of the adulterated butter herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package or the stamp thereon, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases." Every manufacturer of adulterated butter who neglects to affix such a label to any package containing adulterated butter made by him or sold or offered for sale for or by him and every person who removes any

such label so affixed from any such package shall be fined \$50 for each package in respect to which such offense is committed.

That upon adulterated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of ten cents per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound, and that upon process or renovated butter, when manufactured or sold or removed for consumption or use, there shall be assessed and collected a tax of one-fourth of one cent per pound, to be paid by the manufacturer thereof, and any fractional part of a pound shall be taxed as a pound. The tax to be levied by this section shall be represented by coupon stamps, and the provisions of existing laws governing engraving, issuing, sale, accountability, effacement, and destruction of stamps relating to tobacco and snuff, so far as applicable, are hereby made to apply to the stamps provided by this section.

That the provisions of sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of "An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation and exportation of oleomargarine," approved August 2, 1886, shall apply to manufacturers of "adulterated butter" to an extent necessary to enforce the marking, branding, identification and regulation of the exportation of adulterated butter.

SEC. 5. All parts of an act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen hundred and ninety-five, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and storehouses where process or renovated butter is manufactured, packed or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court.

SEC. 6. That wholesale dealers in oleomargarine, process, renovated, or adulterated butter shall keep such books and render such returns in relation thereto as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may, by regulation, require; and such books shall be open at all times to the

inspection of any internal-revenue officer or agent. And any person who willfully violates any of the provisions of this section shall for each such offense be fined not less than fifty dollars and not exceeding five hundred dollars, and imprisoned not less than thirty days nor more than six months.—*Approved May 9, 1902.*

RULES AND REGULATIONS PRESCRIBED IN REGARD TO "RENOVATED BUTTER" (OR "PROCESS BUTTER") IN ACCORDANCE WITH THE ACT OF CONGRESS APPROVED MAY 9, 1902.

1. As the terms "Process Butter" and "Renovated Butter" occur throughout the act as synonymous, the article will be designated as "Renovated Butter" in these regulations and in all correspondence relating thereto.

2. The following explanation of the definition of renovated butter as it occurs in the law has been prepared by the Department of Agriculture and is adopted for guidance in connection with these regulations:

(a) This grade or kind of butter may be made from one or more lots or parcels of butter, which has been or have been "subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting 'Adulterated Butter' as defined by this act."

(b) The butter, to be subject to this definition, must have been melted—that is, so affected by heat as to become of sufficient fluidity to move in a continuous stream of even consistency from one vessel to another, by pouring or pumping, because butter can not be "clarified or refined" unless it be melted to that degree.

(c) The butter must, besides melting, have been subjected to some process by which it is "clarified or refined." Butter, or melted butter, may be clarified or refined by skimming, settling, aerating, washing, and other processes, through the action of heat, cold, agitation or motion, or rest.

(d) Butter thus melted and clarified or refined becomes an oil or fat almost free from taste and odor. To be again "made to resemble genuine butter" it must have restored to it the butter characteristics or similitude of texture, granulation, and flavor. For this purpose the processed or renovated butter is usually granulated by cooling, and churned or otherwise mixed with milk or skim milk, or buttermilk, or cream, sweet or sour. It may or may not have common salt or artificial coloring added. To "resemble genuine butter" the article must have passed through these or other processes, subsequent to melting, so that it looks, smells, and tastes like "butter," having a similar appearance, consistency, texture, and flavor.

(e) It may be assumed that the object of subjecting a lot or lots of butter to such a process is to remove rancidity, sourness, mold, or other fault or feature which has impaired its merchantable quality, or to otherwise renew or improve the product, so that the substance is truly "renovated," although such object is not expressed in the act.

(f) But if, in such process, "or in any (other) way," "any acid, alkali, chemical, or any substance whatever is introduced" or used, or if "there is mixed (therewith) any substance foreign to butter" (including any fat or oil other than butter fat), or if in any way the substance is made to hold "abnormal quantities of water, milk, or cream," the substance or commodity is to be recognized and treated as "adulterated butter" under this act.

(g) Renovated butter having 16 per cent or more of moisture will be held to contain "abnormal quantities of water, milk, or cream," and be, therefore, classed as "adulterated butter."

3. Section 4 of the act of May 9, 1902: "Manufacturers of process or renovated butter shall pay fifty dollars per year. \* \* \* Every person who engages in the production of process or renovated butter \* \* \* as a business shall be considered a manufacturer thereof." The special-tax year begins July 1. The special tax of manufacturers who commence business in the month of July will be reckoned for

one year, and the tax of manufacturers who commence business after the month of July will be reckoned proportionately from the first day of the month from which the liability to special tax commenced to the 1st day of July following.

4. Every manufacturer of renovated butter, before commencing business (or at least within the month in which liability to special tax commenced), must register with the collector of the district in which the business is to be carried on, his name, or style, place of residence, business, and the place where such business is to be carried on, and procure a special-tax stamp at the rate of \$50 per annum, which stamp he is to place and keep conspicuously posted in his establishment or place of business; and on the first day of July in each year he will again so register and procure a new special-tax stamp and post it as above stated.

5. Under the provisions of section 4 of said act, the tax of one-fourth of 1 cent per pound imposed thereby on renovated butter is to be represented by coupon stamps, to be provided by the Commissioner of Internal Revenue as authorized by existing laws. A fractional part of a pound shall be taxed as a pound.

6. For this purpose tax-paid stamps will be furnished in denominations of 10, 20, 30, 40, 50, 60, and 100 pounds, each stamp bearing nine coupons. Such stamps must contain the name of the collector, his district and State, and show thereon the date of payment of the tax, the number of pounds, and the number of the factory.

7. On the withdrawal of a package of renovated butter, the proper tax-paid stamp must be affixed thereto by the manufacturer, by the use of adhesive material, and not less than five tacks must be driven through each stamp, one in each corner and one in the middle of the stamp. The stamp when so affixed must be immediately canceled. For the purpose of cancellation the manufacturer will use a stencil plate of brass or copper, in which will be cut five fine parallel waved lines long enough to extend beyond each side of the stamp onto the wood of the package. The imprinting from this plate must be with blacking or other durable coloring material, over and across the stamp, and in such manner as not to deface the reading matter on the stamp—that is, so as not to daub and make it illegible.

8. The stamp must be affixed to the side of the package, to a smooth surface, in such a manner as to be readily canceled in the manner above described. When a package contains a number of pounds between 10 and 20, a *ten* pound stamp with the necessary number of coupons attached will be issued to cover the net weight. Packages containing more than 20 pounds and less than 30 pounds will have attached a *twenty* pound stamp with a suitable number of coupons to represent the contents. Larger sized packages will be similarly stamped.

9. Every manufacturer of renovated butter will be required to file with the collector a notice on Form No. 507, together with an inventory, Form No. 509, when making application for special-tax stamp as manufacturer. At the same time he will file a bond, Form No. 508, in a penal sum to be fixed by the collector of internal revenue for his district, but in no case less than \$500.

Collectors of internal revenue will decline to approve the bond of a manufacturer of renovated butter until satisfied that the premises to be used for the manufacture of that article are entirely separate from those used for the manufacture of adulterated butter or oleomargarine, or for the handling or manipulation of butter not taxable under the act of May 9, 1902.

10. Each manufacturer of renovated butter is required to keep books and make returns showing the quantity of materials received on the factory premises, and the quantity of finished materials removed therefrom. Sample pages of book (Form No. 511) to be kept by manufacturers will be furnished to collectors, but the book must be provided by the manufacturer, as the same is not supplied by the Government.

11. Form No. 499 has been prescribed for monthly returns of manufacturers of



renovated butter, and such forms will be furnished through the collectors of internal revenue.

12. Collectors will give to each manufacturer of renovated butter in their respective districts a factory number, the numbers to be consecutive, and not thereafter changed. The factory number applies to the manufacturer and his establishment rather than to the building.

13. Every manufacturer of renovated butter shall place and keep on the side or end of the building wherein his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than 3 inches in length, printed in oil colors or gilded, giving his full name and business and the number of his factory, as follows:

A———— B————

MANUFACTURER OF RENOVATED BUTTER.

*Factory No.* ———

14. Whenever any manufacturer's package of renovated butter is empty it will be the duty of the person who removes the contents thereof to utterly destroy the tax-paid stamp on such empty package. Any person having in his possession empty renovated butter packages from which the tax-paid stamps have not been removed will be liable to a heavy penalty.

15. Section 5 of said act of May 9, 1902, requires that all renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter," and by such other marks, labels, or brands, and in such manner as may be prescribed by the Secretary of Agriculture. To carry this provision into effect the Secretary of Agriculture prescribes the following rules for labeling, marking, and branding.

16. Each manufacturer's package of renovated butter shall have manufactory and the district and State in which it is situated, together with the following notice:

FOR RENOVATED BUTTER.

Factory No.———, —— district, State of ——

*Notice.*

The manufacturer of the Renovated Butter (or Process Butter) herein contained has complied with all the requirements of the law. Every person is cautioned not to use either this package again, or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under penalty provided by law in such cases.

The label on which the above notice is to be printed is required to be not less than 4 nor more than 6 inches long, and not less than 2½ inches in width. The label must be securely affixed by paste to the top or cover of the package in such a way as to be exposed to public view and easily read. The words "Renovated Butter" in this notice must be printed in plain gothic letters at least three-eighths inch square. There must also be plainly marked or stenciled on the outside of each package the gross, tare, and net weight in pounds.

17. All renovated butter may be packed by the manufacturer thereof in firkins, tubs, or packages of wood or other suitable material not before used for that purpose; but each package must contain not less than 10 pounds; and, when packed in a solid body or mass, there shall be stamped or branded into the upper surface of the butter the words "Renovated Butter" in one or two lines, the letters to be gothic style, not less than one-half inch square and depressed not less than one-eighth inch.

18. Manufacturers will be permitted to pack prints, bricks, or rolls of renovated butter; but each print, brick, or roll must have stamped thereon the words "Renovated Butter," in two lines, the letters to be depressed, of gothic style, not less than three-eighths inch square and sunken not less than one-eighth inch.

19. The use of inner packages of wood, paper, or other materials containing not less than one pound each will be permitted, but such inner packages must have the words "Renovated Butter," in one or two lines, conspicuously marked, branded, or stamped on the top or side of each inner package in full-faced gothic letters not less than three-eighths inch square. If such inner packages are wrapped with paper or cloth covering, such wrapper must be marked in the same manner.

20. If such manufacturers desire to place upon the outside of their original packages, as above described, their names, or some word or mark descriptive of the quality of the product, they may do so, provided such brand does not obscure or cover up any of the stamps, marks or brands otherwise required for such packages. For example:

JOHN DOE,  
Manufacturer of  
RENOVATED BUTTER,  
20 1-lb. Plain Bricks.

RICHARD ROE,  
Manufacturer of Elgin  
RENOVATED BUTTER,  
Solid.

21. When so marked the words "Renovated Butter" must be included in the brand or stenciled in plain roman letters not less in size than the letters used in the manufacturers' name, etc. The figures and words describing the form in which contents are packed must not be greater than one-half the size of the letters prescribed for the words "Renovated Butter."

22. The law neither defines nor imposes special taxes upon wholesale or retail dealers in renovated butter. Neither does it describe the manner of sale of such product by dealers. However, renovated butter should always bear or be accompanied by the evidence that the manufacturer's tax thereon has been paid. Therefore it should not be removed nor separated from the original package bearing the tax stamp and other prescribed marks, when it is in transportation, the subject of interstate commerce, exported, or whenever and wherever offered for sale, until delivered to the consumer or purchaser in retail trade.

23. Attention is called to the fact that the act named makes no provision for the exportation, free of tax, of renovated butter; nor for drawback of tax on such articles when exported. Consequently all renovated butter for export must be stamped and marked the same as for the domestic market.

24. All factories where renovated butter is manufactured, packed, or prepared for market, as well as the materials used and to be used, the processes and the products, will be inspected from time to time by officers or agents specially designated for that purpose by the Secretary of Agriculture. Inspectors will be required to report upon "the character and condition of the material" and "the quantity and quality" of the product in such manner as may be prescribed.

25. Correspondence and all administrative details under the rules numbered 3 to 14, inclusive, above, are assigned to the Commissioner of Internal Revenue, Treasury Department. And similarly, all matters under the rules 15 to 24, inclusive, are assigned to the Dairy Division, Bureau of Animal Industry, Department of Agriculture.

JAMES WILSON,  
*Secretary of Agriculture.*

Approved:

L. M. SHAW,  
*Secretary of the Treasury.*

NOTE.—The complete regulations regarding "adulterated butter," as well as those for oleomargarine, may be obtained from the office of the Commissioner of Internal Revenue, Treasury Department, Washington, D. C.

## SUPPLEMENTAL NOTICES AND INSTRUCTIONS.

In addition to the foregoing, all persons concerned should note that besides the penalties prescribed in the internal revenue laws relating to special taxes and tax stamps, and in the laws relating to the inspection of cattle, meats, and meat products, there are specific penalties named in the last sentence of Section 5 of the Act of May 9, 1902, for violation of the provisions in that section for shipping and transporting "from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country," renovated butter which has not been marked and prepared in all respects in accordance with the foregoing "needful regulations" duly made for carrying the said law into effect.

Samples of the words "Renovated Butter," in full-faced gothic letters one-half inch square and three-eighths inch square, as required by Rules 16, 17, 18, and 19, will be found on pages following.

All inspectors, officers, or agents of the Department of Agriculture assigned to duty under this order, or the order of this Office dated October 30, 1901 (B. A. I. Order No. 91), will report promptly to the Secretary of Agriculture all violations of these regulations observed by them and all cases of failure to fully conform to the laws herein specified and the rules prescribed for their enforcement. Also, any case in which butter claimed to be "renovated" is believed to be "adulterated butter," in accordance with the legal definition thereof.

All inspectors, officers, or agents of the Department of Agriculture will at all times render every possible assistance to officers and agents of the Commissioner of Internal Revenue, Treasury Department, in the discharge of their duties under the Act of May 9, 1902.

Instructions will be issued to agents of this Department from time to time regarding the inspection of factories, routes of transportation, and markets, and the reports to be rendered thereon. All such reports will be addressed to Dr. D. E. Salmon, Chief of the Bureau of Animal Industry.

JAMES WILSON, *Secretary.*

**MISBRANDING OF FOODS.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are made, produced, or grown, or cause or procure the same to be done by others.

SEC. 2. That if any person or persons violate the provisions of this Act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed.

*Public—No. 223, approved, July 1, 1902.*

**INVESTIGATION OF FOODS.**

The following extract from the appropriation act of the Department of Agriculture gives the duties of the Bureau of Chemistry with regard to the examination of food:

\* \* \* To investigate the adulteration of foods, drugs, and liquors when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, when-

## SAMPLE OF FULL-FACED GOTHIC LETTERS.

One-half inch square.

**RENOVATED  
BUTTER**

---

**RENOVATED BUTTER**

---

**RENOVATED  
BUTTER**

Three-eighths inch square.

ever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health because of such adulteration.

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations, the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere, and in collating, digesting, and reporting the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, and for the rent of buildings occupied by the Bureau of Chemistry.

To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process and other treated butters, and other chemical studies relating to dairy products. \* \* \* —*Appropriation act for the Department of Agriculture, 1902: Public—No. 139.*

### PURE FOOD BILL.<sup>a</sup>

[S. 3342, Fifty-seventh Congress, first session. Report No. 972. Calendar No., 977.]

Favorably reported by Mr. McCUMBER for the Committee on Manufactures, April 2, 1902.

A BILL for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of protecting the commerce in food products and drugs between the several States and in the District of Columbia and the Territories of the United States and with foreign countries the Secretary of Agriculture shall organize in the Bureau of Chemistry of the Department of Agriculture

<sup>a</sup>A similar bill was favorably reported by Mr. Hepburn from the Committee on Interstate and Foreign Commerce. It did not come to a vote in either House, but is printed here for reference, as it has been used as a model in much of the recent State legislation.

a food and drug division and such other divisions as may be necessary to properly conduct the work of said bureau. The Bureau of Chemistry shall have the direction of the chemical work of the Department of Agriculture and of the chemical work of the other Executive Departments whose respective heads may apply to the Secretary of Agriculture for such collaboration, and shall also be charged with the inspection of food and drug products, as hereinafter provided in this Act. The Secretary of Agriculture shall make necessary rules and regulations for carrying out the provisions of this Act, under which the Chief of the Bureau of Chemistry shall procure from time to time, or cause to be procured, and analyze, or cause to be analyzed or examined chemically, microscopically, or otherwise samples of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from a foreign country, or intended for export to a foreign country. The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this Act and to make such publication of the results of examinations and analyses as he may deem proper.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated or misbranded within the meaning of this Act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, or who, having received, shall deliver, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated, mixed, misbranded, or imitated foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense and for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 3. That the Chief of the Bureau of Chemistry shall make or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of foods and drugs offered for sale in original unbroken packages in the District of Columbia, in any Territory, or in any State other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time in various parts of the country. If it shall appear from any such examination that any of the provisions of this Act have been violated, the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis, duly authenticated by the analyst under oath.

SEC. 4. That it shall be the duty of every district attorney to whom the Secretary of Agriculture shall report any violation of this Act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided.

#### DEFINITIONS.

SEC. 5. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopoeia for internal and external use. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or domestic animals, whether simple, mixed, or compound.

## ADULTERATIONS AND MISBRANDING.

SEC. 6. That for the purposes of this Act an article shall be deemed to be adulterated—

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia official at the time of the investigation.

Second. If its strength or purity fall below the professed standard under which it is sold.

That such drug shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

In the case of confectionery an article shall be deemed to be adulterated:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

In the case of food an article shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall deceive or tend to deceive the purchaser.

Second. If any substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Fourth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Fifth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

An article of food shall be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article: *Provided*, That the term "distinctive name" shall not be construed as applying to any article sold or offered for sale under a name that has come into general use to indicate the class or kind of the article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. If it be mixed, colored, powdered, or stained in a manner whereby damage or inferiority is concealed, so that such product, when sold or offered for sale, shall deceive or tend to deceive the purchaser.

Third. If it be labeled or branded with intent so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation, either in package or label, of another substance of a previously established name, or which has been trade-marked or patented.

Fourth. If the package containing it or its label shall bear any statement regarding the ingredients or the substances contained therein, which statement shall be false or misleading in any particular, or if the same is falsely branded as to the State or Territory in which it is manufactured or produced.

*Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not included in definition fourth of this section.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends: *Provided*, That the same shall be labeled, branded, or tagged so as to show the character and constituents thereof: *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or imitation: *Provided further*, That no dealer shall be convicted under the provisions of this Act when he is able to prove a written guaranty of purity, in a form approved by the Secretary of Agriculture, as published in his rules and regulations, signed by the manufacturer or the party or parties from whom he purchased said articles: *Provided also*, That said guarantor or guarantors reside in the United States. Said guaranty shall contain the full name and address of the party or parties making the sale to the dealer, and said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act.

SEC. 7. That it shall be the duty of the Secretary of Agriculture to fix standards of food products when advisable, and to determine the wholesomeness or unwholesomeness of preservatives and other substances which are or may be added to foods, and to aid him in reaching just decisions in such matters he is authorized to call upon the Chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists, and such physicians, not less than five, as the President of the United States shall select, three of whom shall be from the Medical Departments of the Army, the Navy, and the Marine Hospital Service, and not less than five experts, to be selected by the Secretary of Agriculture by reason of their attainments in physiological chemistry, hygiene, commerce, and manufactures, to consider jointly the standards of all food products (within the meaning of this Act), and to study the effect of the preservatives and other substances added to food products on the health of the consumer; and when so determined and approved by the Secretary of Agriculture such standards shall guide the chemists of the Department of Agriculture in the performance of the duties imposed upon them by this Act. It shall be the duty of the Secretary of Agriculture, either directly or through the chief of the Bureau of Chemistry and the chairman of the committee on food standards of the Association of Official Agricultural Chemists and the medical officers and experts before mentioned, to confer with and consult, when so requested, the duly accredited representatives of all industries producing articles for which standards shall be established under the provisions of this Act.

SEC. 8. That every person who manufactures or produces for shipment and delivers for transportation within the District of Columbia or any Territory, or who manufactures or produces for shipment or delivers for transportation from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any drug or article of food, and every person who exposes for sale or delivers to a purchaser in the District of Columbia or any Territory any drug or article of food manufactured or produced within said District of Columbia or any Territory, or who exposes for sale or delivers for shipment any drug or article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exposes for sale or delivers such drug or article of food, or from any foreign country, shall fur-



nish within business hours, and upon tender and full payment of the selling price, a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same and who shall apply to such manufacturer, producer, or vender, or person delivering to a purchaser such drug or article of food, for such example for such use, in sufficient quantity for the analysis of any such article or articles in his possession. And in the presence of such dealer and an agent of the Department of Agriculture, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the Department of Agriculture. One part shall be left with the dealer, one delivered to the Chief of the Bureau of Chemistry of the Department of Agriculture, and one deposited with the United States district attorney for the district in which the same is taken. Said manufacturer, producer, or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the Department of Agriculture the sample in the hands of the district attorney may be analyzed at the expense of the said manufacturer or dealer by a third chemist, who shall be appointed by the president of the Association of Official Agricultural Chemists of the United States, and the analysis shall be conducted, if so desired, in the presence of a chemist of the Department of Agriculture and a chemist representing the dealer, and the whole data obtained shall be laid before the court.

SEC. 9. That any manufacturer, producer, or dealer who refuses to comply, upon demand, with the requirements of section eight of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars or imprisonment not exceeding one hundred days, or both. And any person found guilty of manufacturing or offering for sale, or selling, any adulterated, impure, or misbranded article of food or drug in violation of the provisions of this Act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 10. That any article of food or drug that is adulterated or misbranded within the meaning of this Act, and is transported or being transported from one State to another for sale, or if it be sold or offered for sale in the District of Columbia and the Territories of the United States, or if it be imported from a foreign country for sale, or if intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any State contrary to the laws of that State. The proceedings of such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case; and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 11. That this Act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States: *Provided further*, That nothing in this Act shall be construed to interfere with legislation now in force, enacted either by Congress for the District of Columbia or by the Territorial legislatures for the several Territories, regulating commerce in adulterated foods and drugs within the District of Columbia and the several Territories, except wherein such legislation conflicts with the provisions herein.

## ALABAMA.

The State of Alabama has no officer charged with the enforcement of its food laws, except that the commissioner of agriculture is required to examine into the sale of oleomargarine and report violations of the law relating to the same to the solicitor of the proper circuit or county to be laid before the grand jury. (See p 27.)

### GENERAL FOOD LAW.

**5325.** Any merchant, grocer, or other person, who mixes any foreign matter or substance with sugar, syrup, or molasses, lard or butter, or other article of food, so as to deteriorate or change the quality thereof, or sells or offers or exposes for sale, such adulterated sugar, syrup, or molasses, lard or butter, or other article of food, or who suffers his servant, agent, apprentice, or other person for him, so to adulterate, or to sell, offer or expose for sale, such adulterated sugar, syrup, or molasses, lard or butter, or other article of food, must, on conviction, be fined not less than fifty, nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.—*Criminal Code of Alabama, 1896, p. 433.*

### ALCOHOLIC BEVERAGES.

**5327.** Any manufacturer, brewer, distiller, grocer, tavern keeper, retailer of spirituous, vinous, or malt liquors, or wholesale dealer of spirituous, vinous, or malt liquors, or any other person, who makes, distills, sells, or offers to sell, or exposes for sale, or permits his servant, apprentice, clerk, or agent, or other person for him, to sell, offer or expose for sale, any such liquors which have been adulterated by the mixture or addition of any poisonous, unwholesome substances, or which are composed or compounded, in whole or in part, of any drug or oil, must, on conviction, be fined not less than two hundred and fifty, and not more than one thousand dollars.—*Criminal Code of Alabama, 1896, p. 434.*

### BREAD.

**5322.** *Penalty for handling unwholesome bread.* Any baker, or other person, who sells, or offers or exposes for sale, or suffers his servant, apprentice, agent, or other person for him, to sell, offer, or expose for sale, any bread made from sour or unwholesome flour, must, on conviction, be fined not less than twenty, nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

**5323.** *Branding.* Any person, who sells or exposes for sale any bread, biscuit, or cracker, without having the name, or the initials of the Christian and surname of the baker legibly marked on each biscuit, cracker, or loaf of bread, must, on conviction, be fined not more than twenty dollars.

**5324.** *Penalty for counterfeiting brands.* Any person, who counterfeits the name or initials of another on any bread, biscuit, or cracker, or who marks any bread, biscuit, or cracker with any other initials or name than his own, must, on conviction, be fined not less than twenty, nor more than fifty dollars.—*Criminal Code of Alabama, 1896, p. 433.*

## BUTTER.

**5326.** *Penalty for handling adulterated butter.* Any person, who renders and manufactures, sells, offers for sale, exposes for sale, or has in his possession with intent to sell or serve to persons, guests, boarders, or inmates, in any hotel, eating house, restaurant, dining-car, boarding-house, public or private hospital, school, or penal institution, any article, product, or compound, made wholly or partly out of any fat, oil, oleagenous substance, or compound thereof, not produced directly and at the time of manufacture from unadulterated milk, or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk, or cream from the same, must, on conviction, be fined not less than twenty, nor more than one hundred dollars; but this section shall not be so construed as to prohibit the manufacture or sale of oleomargarine in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter, by having it stamped with its true name.—*Approved Feb. 18, 1895. Criminal Code of Alabama, 1896, p. 433.*

**376** (Par. 20). *Duties of the Commissioner of Agriculture.* SEC. 1. *Be it enacted by the General Assembly of Alabama,* that the Commissioner of Agriculture shall from time to time enquire into and examine into the sale or delivery within this State of any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance, or compound thereof, not produced directly at the time of manufacture from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure, unadulterated milk, or cream from the same; and that for the purpose of making said investigation, he shall be authorized to summon and examine witnesses and administer oaths to them, and whenever he has cause to believe from such investigation, that an offense has been committed against the laws of this State, it shall be his duty to report the same together with the evidence in the case to the solicitor of the proper circuit or county to be laid before the grand jury.

SEC. 2. *Be it further enacted,* That the expenses incurred under the provisions of this act, duly certified to, and verified by the affidavit of the Commissioner of Agriculture, and approved by the Governor, shall be paid from the funds of the Department of Agriculture derived from the sale of tags.—*Approved February 18, 1897. (Acts of Alabama, 1896-97, p. 1307. Civil Code, 1896, vol. 1.)*

## CONFECTIONERY.

**5328.** Any person, firm or corporation that shall manufacture or knowingly sell or give away or keep for sale any candies, confectioneries of any kind adulterated by the admixture of terra alba, barytes, talc or other earthy or mineral substance, or any poisonous colors, flavors, or extracts or other ingredients injurious to health, shall be guilty of a misdemeanor, and, upon conviction thereof, may be punished by a fine of not less than fifty dollars and not more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county, for a period not exceeding six months, at the discretion of the court. This section shall be given in charge to the grand jury.—*Criminal Code of Alabama, 1896, p. 434.*

## MEAT.

**5321.** Any butcher, or other person, who sells, or offers or exposes for sale, or suffers his apprentice, servant, agent or other person for him, to sell, offer, or expose for sale, any tainted, putrid, or unwholesome fish or flesh, or the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, for the purpose of being sold or offered for sale, must, on conviction, be fined not less than twenty, nor more than two hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.—*Criminal Code of Alabama, 1896, p. 432.*

## ALASKA.

Alaska has no officer authorized to enforce its food laws.

### GENERAL FOOD LAWS.

**156.** *Sale of unwholesome provisions; penalty.* That if any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars.

**157.** *Injurious adulteration.* That if any person shall adulterate, for the purpose of sale, any substance intended for meat or drink, with any substance injurious to health, or shall sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person, upon conviction thereof, shall be punished in the manner provided in the section last preceding.

**158.** *Adulteration of drugs.* That if any person shall adulterate, for the purpose of sale, any drug or medicine in such manner as to render the same injurious to health, or shall knowingly sell or offer for sale any adulterated drug or medicine, such person, upon conviction thereof, shall be punished in the manner provided in section one hundred and fifty-six, and such adulterated drugs or medicine shall be forfeited and destroyed.—*Carter's Annotated Code, 1900, pt. 1, p. 33.*

**SEC. 84.** *Trade-marks, etc.* That if any person shall willfully and knowingly use, or cause to be used, any private brands, label, stamp, or trade-mark of another, either by counterfeiting the same or using any impression or copy thereof made or prepared by the proprietor thereof, or shall willfully and knowingly use, or cause to be used, any colorable imitation of such brand, label, stamp, or trade-mark, with intent to deceive anyone, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than six months, or by fine not less than twenty nor more than three hundred dollars.—*Carter's Annotated Code, 1900, pt. 1, ch. 4, p. 18.*

## ARIZONA.

Arizona has no officer authorized to enforce its food laws. Violation of these laws is made a misdemeanor and is punishable as such.

### GENERAL FOOD LAW.

**337.** *Adulterated foods, drugs, etc.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same as unadulterated or undiluted, is guilty of a misdemeanor.

**338.** *Unwholesome foods, drugs, etc.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine, knowing that the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.—*Revised Statutes (Penal Code), 1901, p. 1244.*

### BUTTER.

**348.** *Oleomargarine to be so marked.* Every person or corporation which shall manufacture for sale, or who shall offer or expose for sale within the Territory of Arizona any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals not produced from milk, enters as a component part, or into which the oil or fat of animals not produced from milk has been introduced to take the place of cream, shall distinctly stamp, brand or mark, in some conspicuous place, on every package of such article or substance the word "Oleomargarine," in plain letters, not less than one-fourth of an inch square each, in case of retail sale of such article or substance in parcels or otherwise. The seller shall in all cases deliver therewith to the purchaser a printed label bearing the plainly printed word "Oleomargarine," the word to be printed with type each letter of which shall be not less than one-fourth of an inch square.

**349.** *Dealers handling oleo must post signs; hotels, etc., must inform patrons.* Every person dealing, whether by wholesale or retail, in the article or substance described in section 348 shall continually keep, conspicuously posted up, in not less than three exposed positions in or about their respective places of business, a printed notice in the following words, viz.: "Oleomargarine Sold Here." The said notice is to be plainly printed with letters not less than two and a half inches square each. And each and every hotel-keeper and restaurant-keeper, boarding-house-keeper, or proprietors of other places where meals are furnished for pay, who may use in their respective places of business any of the articles or substances described in section 348, shall, upon the furnishing of the same to his guests or customers, if inquiry is made, cause each and every guest or customer to be distinctly informed that the said article is not butter, the genuine production of the dairy, but is oleomargarine.

**350.** Any person violating any of the provisions of the two preceding sections is guilty of misdemeanor.

**19.** *Penalties.* Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding three hundred dollars, or by both.—*Revised Statutes (Penal Code), 1901, pp. 1187, 1246.*

## ARKANSAS.

Arkansas has no officer authorized to enforce its food laws and has made no provision for their administration, with the exception of the duties of the inspector of wine mentioned on page 32.

### GENERAL FOOD LAW.

**1585.** Whoever shall knowingly sell or offer or expose for sale, or bring or cause to be brought into this state, or shall have in his or their possession with intent to sell for food, the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased; or shall sell or offer for sale the flesh as of one animal, knowing it to be of another species, or shall offer for sale or sell any tainted, diseased, corrupted, decayed or unwholesome meat, fish, fowl, vegetables, produce or provisions of any kind whatever, without making the same fully known to the purchaser, or shall sell or offer to sell the meat of any calf, which was killed before it had attained the age of six weeks, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months.—*Act April 13, 1893. (Sandels and Hill, Digest of Stat., Criminal Law, p. 521.)*

### BUTTER.

**1586.** *Oleomargarine to be labeled and marked.* Whoever shall sell any article, substance or compound made in imitation or semblance of butter, or as a substitute for butter, and not made exclusively or wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "adulterated butter" or if such substitute is a compound known as oleomargarine or butterine, or if it is known by any other name, the word "oleomargarine," "butterine" or such other name as shall properly describe it, shall be stamped, labeled or marked in printed letters of plain, Roman type, not less than one inch in length, so that said word or words can not be easily defaced, upon the top and side of every tub, firkin, box or package containing any of said article, substance or compound; and in case of retail sales of any of said article, substance or compound, the seller shall attach, or cause to be attached, to each package so sold at retail, and deliver with said package to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of said package the words "adulterated butter," or the word "oleomargarine," "butterine," or such other word or words as will correctly describe the article, substance or compound sold, as hereinbefore provided, in printed letters of plain, Roman type, not less than one-half inch in length.

**1587.** *Defacing of labels, etc., on butter substitutes; penalty.* Whoever shall sell or expose for sale, or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter, or as a substitute for butter, except as provided in section 1586, and whoever shall deface, erase, cancel or remove any mark, stamp, brand, label or wrapper provided for by this act, or change the contents of any box, tub, article or package, marked, stamped or labeled as aforesaid, with intent to deceive as to the contents of said box, tub, article or package, shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than fifty dollars nor more than five hundred dollars.

1588. *Hotels, etc., must indicate nature of butter substitutes.* If any hotel, inn, restaurant or boarding-house keeper shall set before his guests at any meal any of said article, substitute or compound, the dish or plate holding the same shall have clearly and indelibly marked on some prominent part thereof the words "adulterated butter," or the word "oleomargarine," "butterine" or such other word or words as may correctly describe the article, substance or compound, in said dish or plate.

1589. *Penalty.* Whoever shall violate the provisions of section 1588 shall be guilty of a misdemeanor and, on conviction, shall be fined in any sum not less than five dollars nor more than one hundred dollars.

1590. *Definition.* The term "butter" shall be understood to mean the product usually known by that name, which is manufactured exclusively from milk and cream.—*Act March 31, 1885.* (*Sandels and Hill, Digest of Statutes, Criminal Law, p. 522.*)

#### CANDY.

SEC. 1. *Manufacture and sale of candies containing poisons.* Hereafter no person shall by himself or agent, or the servant or agent of any other person, manufacture for sale, or knowingly offer for sale, or sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance consisting of or adulterated by poisonous colors or flavors or other ingredients detrimental or injurious to health.

SEC. 2. *Penalty.* Whosoever violates any of the provisions of this Act shall be punished by a fine not exceeding one hundred dollars (\$100) nor less than fifty dollars (\$50).

SEC. 3. *Adulterated products to be destroyed.* Any candy so adulterated shall be destroyed by the officer of the court in which the proceedings are begun against the person offering for sale or distributing such candy, upon orders of the court after such person shall be convicted of such offence.

SEC. 4. All laws and parts of laws in conflict herewith are hereby repealed and this Act shall be in force and effect from and after its passage.—*Approved April 20, 1901.* (*Acts and Resolutions, 1901, p. 180.*)

#### WINE.

SEC. 1. *Grape and berry growers to make and sell wine without license.* Any person who grows or raises grapes or berries may make wine thereof and sell the same in quantities not less than one-fifth of a gallon, or in sealed bottles, anywhere in the State without license when the same has been properly labeled as provided for in section two (2) of this act; *provided*, that the people shall have the right to petition the county court to prohibit the sale of native wine as now provided by law, but native wine shall not be included under section 4877 of Sandels & Hill's Digest, unless by special petition against wine; *provided further*, that the growers of wine as above mentioned shall have the right to sell the same in original packages of not less than five gallons, as is now granted to manufactures and distillers of whiskey and brandy, under section 4851 Sandels & Hill's Digest.

SEC. 2. *All wines shall be labeled showing the kind and quality.* All wine sold in this State shall, before sale, be labeled so as to truly designate its kind and quality. Nothing but the pure fermented juice of the grape or berry shall be labeled "Natural Wine." Wine to which sugar has been added before fermentation shall be labeled "Sugar Wine." The label shall also state if the wine be sweetened or unsweetened.

SEC. 3. *Wines shall be pure and free from poisonous ingredients.* It shall be unlawful for any one to sell wine containing poisonous or injurious ingredients, or to sell wine to which alcohol has been added. If any wine shall contain more than 17 per cent of alcohol, it shall be final and conclusive proof that alcohol has been added to the same.

SEC. 4. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

SEC. 5. *Governor to appoint inspector to examine all wines sold.* The Governor shall appoint a competent inspector whose duty it shall be to procure either in person or by agent, samples of any wine sold in the State which he has reason to suspect to be impure, and to cause said samples to be analyzed by a competent analytical chemist, and if said wine is found to be not in keeping with the requirements of this act, to lay the information, together with the report of the chemist, before the proper prosecuting attorney. After securing said samples of such suspected wine, the vendor shall be informed that the sample is for the purpose of analysis, and upon presentation of proper authority by the inspector or his agent, the vendor shall be required to affix his signature to the receptacle containing the said sample of wine, and he shall be given opportunity to witness its delivery to a common carrier, in a sealed condition for forwarding to the analytical chemist.

SEC. 6. *Compensation of inspector.* As a compensation for his services, the inspector shall receive one half of such fines as are collected on account of convictions secured in consequence of information furnished by him or his agents.

SEC. 7. *Repeals all acts in conflict and act takes effect from passage.* All laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.—*Approved March 29, 1899.* (*Acts of Arkansas 1899, p. 137.*)



## CALIFORNIA.

The food and drug laws of this State are given below. No officer is charged with their enforcement, with the exception of the duties of the State dairy bureau relating to the dairy laws (see page 40).

Prof. Frank T. Green, chemist of the San Francisco board of health, considers it very difficult to enforce the clauses on injurious preservatives, etc., in sections 2 and 3 of the wine law (p. 43), owing to the fact that defendants can secure expert testimony favorable to the substances ordinarily used for that purpose. He also considers it difficult to enforce a law requiring food to be labeled with a "cognomen of opprobrium," such as "imitation olive oil" (p. 42), and prefers, for that reason, to limit the use of specified labels to food that complies with certain conditions.

### GENERAL FOOD LAWS.

**380. *Drugs, prescriptions, labels, etc.*** Every apothecary, druggist, or person carrying on business as a dealer in drugs or medicines, or person employed as clerk or salesman by such person, who, in putting up any drugs or medicines, or making up any prescription, or filling any order for drugs or medicines, willfully, negligently, or ignorantly omits to label the same, or puts an untrue label, stamp, or other designation of contents, upon any box, bottle, or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor, or if death ensues, is guilty of a felony.

**381. *False weighing; penalty.*** Every person who, in putting up in any bag, box, barrel, or other package, any hops, cotton, wool, grain, hay, or other goods usually sold in bags, bales, boxes, barrels, or packages by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, bale, box, barrel, or package, with intent thereby to sell the goods therein, or to enable another to sell the same, for an increased weight, is punishable by fine of not less than twenty-five dollars for each offense.—*Deering's Penal Code, 1897, pp. 141-142.*

**382. *Adulterated food, drink, or drugs.*** Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with the fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted; and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, or who, in response to an inquiry for any article of food, drug, medicine, spirituous or malt liquor, or wine, sells or offers for sale a different article or an article of a different character of manufacture, without first informing such purchaser of such difference, is guilty of a misdemeanor.

**383. *"Drug," "food," and "adulteration" defined.*** Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink,

drug, or medicine, knowing that the same is adulterated or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor, and must be fined not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail not exceeding one hundred days, or both, and may, in the discretion of the court, be adjudged to pay, in addition, all the necessary expenses, not exceeding fifty dollars, incurred in inspecting and analyzing such articles. The term "drug" as used herein, includes all medicines for internal or external use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, includes all articles used for food or drink by man, whether simple, mixed, or compound. Any article is deemed to be adulterated within the meaning of this section:

(a) In case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs materially from the standard of strength, quality, or purity laid down therein; (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) If its strength, quality, or purity falls below the professed standard under which it is sold.

(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of, another article; (5) If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal; (6) If it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health.—*Statutes and amendments to the codes, extra session, 1900-1901, p. 458.*

SEC. 1. *Adulteration.* No person shall, within this state, manufacture for sale, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

SEC. 2. *"Drug" and "food" defined.* The term "drug," as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound.

SEC. 3. *Adulteration defined.* Any article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein. (2) If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work. (3) If its strength, quality, or purity falls below the professed standard under which it is sold.

(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity. (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. (4) If it is an imitation of, or is sold under the name of, another article. (5) If it consists wholly, or in part, of a diseased,

decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or, in the case of milk, if it is the produce of a diseased animal. (6) If it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health.

*Provided*, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein, and are not injurious to health.

SEC. 4. *Samples for analyses.* Every person manufacturing, exposing or offering for sale, or delivering to a purchaser, any drug or article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for the purpose, and shall tender him the value of the same, a sample sufficient for the analysis of any such drug or article of food which is in his possession.

SEC. 5. *Penalty.* Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, offering for sale, or selling, an adulterated article of food or drug under the provisions of this act shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 6. This act shall be in force and take effect from and after its passage.—*Approved March 26, 1895. Stats. 1895, p. 71; Deering's Penal Code, Appendix, p. 502.*

## CANDY.

SEC. 402½. Every person who adulterates candy by using in its manufacture terra alba or any other deleterious substances, or who sells or keeps for sale any candy or candies adulterated with terra alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.—*Deering's Penal Code, 1897, p. 148.*

## DAIRY PRODUCTS.

SEC. 1. *Oleomargarine must be so labeled.* Every person or corporation who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals, not produced from milk, enters as a component part, or into which the oil or fat of animals, not produced from milk, has been introduced to take the place of cream, shall distinctly stamp, brand, or mark in some conspicuous place upon every package of such article or substance the word "oleomargarine" in plain letters, not less than one-fourth of one inch square each; and in case of retail sale of such article or substance in parcels or otherwise, the seller shall, in all cases, deliver therewith to the purchaser a printed label, bearing the plainly printed word "oleomargarine," the said word to be printed with type each letter of which shall not be less than one-fourth of one inch square.

SEC. 2. *Oleomargarine placards.* Every person dealing, whether by wholesale or retail, in the article or substance described in section one of this act, and every hotel or restaurant keeper, or boarding-house keeper, in whose hotel, or restaurant, or boarding-house such article or substance is used, shall continuously keep conspicuously posted up, in not less than three exposed positions in and about their

respective places of business, a printed notice in the following words, viz.: "Oleomargarine sold here;" the said notice to be plainly printed, with letters not less than two inches square each. And each and every hotel keeper and restaurant keeper, boarding-house keeper, or proprietor of other places where meals are furnished for pay, who may use in their respective places of business any of the article or substance described in the first section of this act, shall, upon the furnishing of the same to his guests or customers, if inquiry is made, cause each and every guest or customer to be distinctly informed that the said article is not butter, the genuine production of the dairy, but is "oleomargarine."

SEC. 3. *Penalty.* Every person or director, trustee, officer, or agent of any corporation who may violate any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than five hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment; and it shall be the duty of the court trying said offence to order the payment of one-half of the fine imposed to the person giving the information upon which the prosecution was based and the conviction had, and such fine may be collected by execution as in civil causes.

SEC. 4. *Repeal.* All acts or parts of acts in conflict with this act are hereby repealed.—*Approved March 1, 1883. (Deering's Penal Code, Appendix, p. 587.)*

---

383a. *Process and renovated butter to be branded.* Any person, firm, or corporation, who sells, or offers for sale, or has in his or its possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one half inch in length, "process butter," or "renovated butter," in such a manner as to advise the purchaser of the real character of such "process" or "renovated" butter, is guilty of a misdemeanor.—*Statutes and amendments to the codes, extra session, 1900-1901, p. 458.*

---

SEC. 1. *Process or renovated butter must be labeled.* No person or persons, firms or corporation, shall sell, or offer for sale, or have in his or their possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter or by any other process whereby stale, rancid or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one-half inch in length, "process butter," or "renovated butter," in such a manner as the purchaser will be advised of the real character of such "process" or "renovated" butter.

SEC. 2. *Violation a misdemeanor.* Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor.

SEC. 3. *Prosecutions.* It shall be the duty of the district attorney of each and every county of this state, upon application, to attend to the prosecution in the name of the state of any action brought for the violation of any of the provisions of this act within his district.

SEC. 4. *Enforcement; disposition of fines.* The state dairy bureau, by its agent and assistant agents, is hereby authorized and directed to enforce all of the provisions of this act. All fines and penalties for the violation of this act shall be paid to the agent or assistant agents of the state dairy bureau, and by said bureau paid to the state treasurer.—*Became a law, under constitutional provision, without Governor's approval, February 23, 1899. (Stats. 1899, ch. 25, p. 21.)*

SEC. 1. *Cheese brands.* Every person or persons, firm, or corporation, who shall at any creamery, cheese factory, or private dairy, manufacture cheese in the state of California, shall, at the place of manufacture, brand distinctly and durably on the bandage of each and every cheese manufactured, and upon the package or box, when shipped, the grade of cheese manufactured, as follows: "California Full-Cream Cheese," "California Half-Skim Cheese," and "California Skim Cheese."

SEC. 2. *Record of brands.* All brands for branding the different grades of cheese shall be procured from the state dairy bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section 1 of this act. The state dairy bureau shall keep a record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the state of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location the party shall notify the bureau of such change.

SEC. 3. *Grades of cheese defined.* The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than thirty per cent of butter fat, shall be branded as "California Full-Cream Cheese;" and such cheese only as shall be made from pure milk, and having not less than fifteen per cent of butter fat, shall be branded "California Half-Skim Cheese;" and such cheese only as shall be made from pure skim-milk shall be branded "California Skim Cheese;" *provided*, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," Swiss or hand-made cheese, not made by the ordinary Cheddar process.

SEC. 4. *Sale of unbranded cheese prohibited.* No person or persons, firms, or corporations, shall sell, or offer for sale, any cheese, manufactured in the state of California, not branded by an official brand and of the grade defined in section 3 of this act.

SEC. 5. *Penalty.* Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars (\$25), nor more than fifty dollars (\$50), or by imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense by a fine of not less than fifty dollars (\$50), nor more than one hundred dollars (\$100), or by imprisonment in the county jail not less than fifty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.—*Approved March 4, 1897. (Deering's General Laws of California, 1897, p. 50.)*

SEC. 1. *Imitation butter and cheese defined.* That for the purposes of this act, every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter, and designed to be used as a substitute for butter made from pure milk or cream from the same, is hereby declared to be imitation butter; and that for the purposes of this act, every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of cheese, and designated to be used as a substitute for cheese made from pure milk or cream from the same, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; *and provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

SEC. 2. *Regulating use of imitation products in hotels, etc.* No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for

sale, or have in his possession with intent to sell, or use, or serve to patrons, guests, boarders, or inmates, in any hotel, eating-house, restaurant, public conveyance or boarding-house, or public or private hospital, asylum, or eleemosynary, or penal institution, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk or cream from the same; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds, designed to be used as an imitation, or as a substitute for butter or cheese made from pure milk or cream from the same, in a separate and distinct form, and in such a manner as will advise the consumer of its real character, free from coloration, or ingredients, that cause it to look like butter or cheese made from pure milk or cream, the product of the dairy.

SEC. 3. *Branding of substitutes.* Each person who, by himself or another, lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark, by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words "substitute for butter," or "substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall be not less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain Roman type, of a size not smaller than pica, stating in the English language its name, and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package as is commonly and most conveniently opened; and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "substitute for butter," or "substitute for cheese."

SEC. 4. *Transportation of substitutes.* No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section three of this Act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, consigned, and by the carrier receipted for by its true name; *provided*, that this Act shall not apply to any goods in transit between foreign States and across the State of California.

SEC. 5. *Possession of imitation products.* No person, or his agent, shall knowingly have in his possession or under his control any substance designed to be used as a substitute for butter and cheese, unless the tub, firkin, box, or other package containing the same, shall be clearly and durably marked and contain a copy of the statement and be labeled as provided by section three of this Act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in section three of this Act shall be kept, with its face up, upon the exposed contents of said tub, firkin, box, or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

SEC. 6. *False labeling, etc.* No person, by himself or another, shall sell, or offer for sale, or take orders for the future delivery of, any substance designed to be used as a

substitute for butter or cheese, under the name of or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese unless he shall inform the purchaser distinctly, at the time of sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section three of this Act; and no person shall use in any way, in connection or association with the sale, or exposure for sale, or advertisement, of any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

SEC. 7. *Use of substitutes in hotels, etc.* No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter, or other place of public entertainment, or any person having charge thereof, or employed thereat, or any person furnishing board for others than members of his own family, or for any employee where such board is furnished as the compensation or as a part of the compensation of any such employee, shall place before any patron or employee, for use as food, any substance designed to be used as a substitute for butter and cheese, unless the same be accompanied by a copy of the statement described in section three of this Act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

SEC. 8. *Party to unlawful sale can not prosecute.* No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this Act by or through any person who was knowingly a party to such wrongful sale or other contract.

SEC. 9. *Possession evidence of knowledge.* Every person having possession or control of any substance designed to be used as a substitute for butter or cheese which is not marked as required by the provisions of this Act, shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

SEC. 10. *Defacing labels.* No person shall efface, erase, cancel, or remove any mark, statement, or label provided for by this Act, with intent to mislead, deceive, or to violate any of the provisions of this Act.

SEC. 11. *Use of substitutes in State institutions.* No butter or cheese not made wholly from pure milk or cream, salt, harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the State.

SEC. 12. *Penalty.* Whoever shall violate any of the provisions or sections of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished, for the first offense, by a fine of not less than fifty dollars, nor more than one hundred and fifty dollars, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine of not less than one hundred and fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, in the discretion of the court. One-half of all the fines collected under the provision of this Act shall be paid to the person or persons furnishing information upon which conviction is procured.

SEC. 13. *Possession of imitation products an offense.* Whoever shall have possession or control of any imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, contrary to the provisions of this Act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter three, of title twelve, of part two, of an Act to establish a Penal Code; *provided*, that it shall be the duty of the officer who serves a search warrant issued for imitation butter or imitation

cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the agent of the Dairy Bureau, or to any person by such Dairy Bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese, or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section fifteen hundred and thirty-six of an Act to establish a Penal Code, but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

SEC. 14. *Prosecution.* It shall be the duty of the District Attorney, upon the application of the Dairy Bureau, to attend to the prosecution, in the name of the State, of any suit brought for the violation of any of the provisions of this Act within his district.

SEC. 15. *State Dairy Bureau.* The Governor shall on or before the first day of July, eighteen hundred and ninety-seven, appoint three resident citizens of this State, who shall have practical experience in the manufacture of dairy products, to constitute a State Dairy Bureau, and which shall succeed the one now in existence in every respect. Members of this bureau shall hold office for the period of four years from and after the first day of July, eighteen hundred and ninety-seven, and until their successors are appointed and qualified; *provided*, that the first members appointed under the provisions of this Act shall at their first meeting so classify themselves by lot as that one shall go out of office at the expiration of two years, one at the expiration of three years, and the other at the expiration of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members of said bureau shall serve without compensation, and within twenty days after their appointment, shall take the oath of office as required by the Constitution, and they shall thereupon meet and organize, by electing a chairman and treasurer. Any one of them may be removed by the Governor, for neglect or violation of duty. They shall make a report in detail to the Legislature not later than the first day of December next preceding the meetings thereof.

SEC. 16. *Duty of Bureau.* It shall be the duty of the State Dairy Bureau to secure, as far as possible, the enforcement of this Act. The State Dairy Bureau shall have power to employ an agent at a salary of twelve hundred dollars a year, and such assistants or chemists, as from time to time may be necessary therefor.

SEC. 17. *Appropriation.* There is hereby appropriated for the use of this State Dairy Bureau, out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars for each fiscal year hereafter, and commencing with the forty-ninth fiscal year. All salaries, fees, costs, and expenses of every kind incurred in the carrying out of the law shall be drawn from the sum so appropriated, and the State Controller shall draw his warrant on the State Treasurer in favor of the person entitled to the same.

SEC. 18. *Repeal.* All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 19. This Act shall take effect immediately.—*Approved March 4, 1897.* (*Deering's Penal Code, Appendix, pp. 517-524.*)

---

381a. *Use of incorrect tests and appliances.* Any person, or persons, whether as principals, agents, managers, or otherwise, who buy or sell dairy products, or deal in milk, cream or butter, and who buy or sell the same upon the basis of their rich-



ness or weight or the percentage of cream, or butter-fat contained therein, who use any apparatus, test bottle or other appliance, or who use the "Babcock test" or machine of like character for testing such dairy products, cream or butter, which is not accurate or correct, or which gives wrong or false percentages, or which is calculated in any way to defraud or injure the person with whom he deals, is guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six (6) months.—*Statutes and amendments to the codes, extra session, 1900-1901, p. 324.*

## HONEY.

SEC. 1. *Adulteration; penalty.* Any person who, by himself or an agent, sells or offers for sale, or in any way disposes of, any substance or composition of the appearance of honey, or which in color, consistency, and taste resembles honey, but which is not honey—the natural product of the bee, or a pure extract therefrom—upon the representation or claim or pretense that the same is honey, or a pure extract therefrom, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for three months, or by both such fine and imprisonment.

SEC. 2. "*Pure extract of honey*" defined. For the purpose of this act "pure extract of honey" is honey extracted from the comb without the addition of any other substances.

SEC. 3. This act shall take effect and be in force from and after its passage.—*Approved March 26, 1895. (Stats. 1895, p. 94. Deering's Penal Code, 1897; Appendix, p. 504.)*

SEC. 1. *Addition of glucose, etc., to extracted honey.* No person shall, within this State, manufacture for sale, offer for sale, or sell, any extracted honey which is adulterated by the admixture therewith of either refined or commercial glucose, or any other substance or substances, article or articles which may in any manner affect the purity of the honey.

SEC. 2. *Samples.* Every person manufacturing, exposing, or offering for sale or delivering to a purchaser any extracted honey, shall furnish to any person interested, or demanding the same, a sample sufficient for the analysis of any such extracted honey which is in his possession.

SEC. 3. "*Extracted honey*" defined. For the purposes of this act, "extracted honey" is the transformed nectar of flowers, which nectar is gathered by the bee from natural sources, and is extracted from the comb after it has been stored by the bee.

SEC. 4. *Penalty.* Whoever violates any of the provisions of this act is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five nor more than four hundred dollars, or imprisonment in the county jail not less than twenty-five days nor more than six months, or both such fine or imprisonment. And any person found guilty of manufacturing, offering for sale, or selling any adulterated honey under the provisions of this act may, in the discretion of the court, be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses, not to exceed fifty dollars, incurred in analyzing such adulterated honey of which such person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 5. This act shall be in force and take effect from and after its passage.—*Approved February 23, 1897. (Penal Code, 1897; Appendix, p. 505.)*

## OLIVE OIL.

SEC. 1. *Imitation olive oil defined.* That for the purpose of this act every article, substance, or compound, or oil other than that extracted solely from the fruit of the olive tree, made in the semblance of olive oil extracted solely from the fruit of the olive tree, is hereby declared to be imitation olive oil.

SEC. 2. *Manufacturers' label.* Each person who manufactures imitation olive oil shall place upon every bottle, can, or other vessel containing such imitation oil, a label, with the words "imitation olive oil" printed thereon in capital letters, in a clear and durable manner, in the English language, in plain type, designated and known as twenty-four-point letter type (two-line pica), of a Gothic face; said label shall also state plainly the name and address of the manufacturer or compounder, the name and place where manufactured and put up, and also the names and actual percentages of the different ingredients contained in each bottle, can or vessel.

SEC. 3. *Transportation of imitation oil.* No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any imitation olive oil, unless the same be marked as provided in section two of this act, and no carrier shall knowingly receive, for the purpose of forwarding or transporting, any imitation olive oil, unless it shall be marked as hereinbefore provided, consigned, and by the carrier receipted for, as imitation olive oil; provided, that this act shall not apply to any goods in transit between foreign countries and across the State of California.

SEC. 4. *Possession of imitations.* No person shall knowingly have in his possession or under his control any imitation olive oil, unless the can, bottle, or vessel, or other package containing the same, be clearly marked as provided in section two of this act.

SEC. 5. *Dealers' labels.* No person, by himself or another, shall knowingly sell or offer for sale imitation olive oil under the name of or under the pretense that the same is pure olive oil; and no person, by himself or another, shall knowingly sell any imitation olive oil unless he shall inform the purchaser that the same is imitation olive oil, and shall deliver to the purchaser at the time of sale a statement, clearly printed in the English language, which shall refer to the article sold, and which shall contain, in plain type, designated and known as twenty-four-point letter type (two-line pica), of a Gothic face, in capital letters the words "imitation olive oil," and shall give the name and place of business of the manufacturer or compounder.

SEC. 6. *Possession evidence of knowledge.* Every person having possession or control of any imitation olive oil, which is not marked as required by the provisions of this act, shall be presumed to have known, during the time of such possession or control, that the same was imitation olive oil.

SEC. 7. *Imported oils.* No person shall expose for sale any oil bearing the semblance of olive oil, manufactured out of the State, and represent that it is manufactured in this State, nor shall offer for sale any such oil upon the receptacle of which is any cut, design, or mark intended to convey the belief that such is manufactured in this State.

SEC. 8. *Penalty.* Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both fine and imprisonment, as the court may direct.

SEC. 9. *Enforcement.* It shall be the duty of the state board of horticulture and the state analyst to enforce the provisions of this act.

SEC. 10. *Repeal.* An act entitled "An act to regulate the sale of olive oil," approved March tenth, eighteen hundred and ninety-one, is hereby repealed.—*Approved March 23, 1893. (Stats. 1893, p. 210. Deering's Penal Code, 1897; Appendix, p. 590.)*

## SYRUPS.

SEC. 1. *Adulterations prohibited.* Any person who shall knowingly sell, or keep, or offer for sale, or otherwise dispose of any syrup, or golden drips syrup, silver drips syrup, or molasses, containing muriatic or sulphuric acids,<sup>a</sup> or glucose, or adulterated with any other substance to improve the color thereof, shall be guilty of a misdemeanor.

SEC. 2. *Penalty.* Any person violating the provisions of section one of this act shall be punished, and imprisoned in the county jail of the county in which the offense was committed, for a period not exceeding six months, or by a fine not exceeding five hundred dollars, or both.—*In effect March 29, 1878. (Stats. 1877-78, p. 695. Deering's Penal Code, 1897; Appendix, p. 495.)*

## WINE.

SEC. 1. *Pure wine defined.* For the purposes of this act, pure wine shall be defined as follows: The juice of grapes fermented, preserved, or fortified for use as a beverage, or as a medicine, by methods recognized as legitimate according to the provisions of this act; unfermented grape-juice, containing no addition of distilled spirits, may be denominated according to popular custom and demand as wine only when described as "unfermented wine," and shall be deemed pure only when preserved for use as a beverage or medicine, in accordance with the provisions of this act. Pure grape-must shall be deemed to be the juice of grapes, only in its natural condition, whether expressed or mingled with the pure skins, seeds, or stems of grapes. Pure condensed grape-must shall be deemed to be pure grape-must from which water has been extracted by evaporation, for purposes of preservation or increase of saccharine strength. Dry wine is that produced by complete fermentation of saccharine contained in must. Sweet wine is that which contains more or less saccharine appreciable to the taste. Fortified wine is that wine to which distilled spirits have been added to increase alcoholic strength, for purposes of preservation only, and shall be held to be pure when the spirits so used are the product of the grape only. Pure champagne, or sparkling wine is that which contains carbonic acid gas or effervescence produced only by natural fermentation of saccharine matter of must, or partially fermented wine in bottle.

SEC. 2. *Deleterious substitutes prohibited.* In the fermentation, preservation, and fortification of pure wine, it shall be specially understood that no materials shall be used intended as substitutes for grapes, or any part of grapes; no coloring matters shall be added which are not the pure product of grapes during fermentation, or by extraction from grapes with the aid of pure grape spirits; no foreign fruit juices, and no spirits imported from foreign countries whether pure or compounded with fruit juices or other materials not the pure product of grapes, shall be used for any purpose; no aniline dyes, salicylic acid, glycerine, alum, or other chemical antiseptics or ingredients recognized as deleterious to the health of consumers, or as injurious to the reputation of wine as pure, shall be permitted; and no distilled spirits shall be added except for the sole purpose of preservation, and without the intention of enabling trade to lengthen the volume of fortified dry wine by the addition of water, or other wine weaker in alcoholic strength.

SEC. 3. *Injurious materials for promoting fermentation prohibited.* In the fermentation and preservation of pure wine, and during the operations of fining, or clarifying, removing defects, improving qualities, blending and maturing, no methods shall be employed which essentially conflict with the provisions of the preceding sections of this act, and no material shall be used for the promotion of fermentation, or the assistance of any of the operations of wine treatment, which are injurious to the con-

---

<sup>a</sup>So in statutes.

sumer or the reputation of wine as pure; provided, that it shall be expressly understood that the practice of using pure tannin in small quantities, leaven to excite fermentation only, and not to increase the material for the production of alcohol; water before or during, but not after, fermentation, for the purpose of decreasing the saccharine strength of musts to enable perfect fermentation; and the natural products of grapes in the pure forms as they exist in pure grape-musts, skins, and seeds; sulphur fumes to disinfect cooperage and prevent disease in wine; and pure gelatinous and albuminous substances, for the sole purpose of assisting fining, or clarification, shall be specifically permitted in the operations hereinbefore mentioned, in accordance with recognized legitimate custom.

SEC. 4. *Unlawful sale of impure wines; labels.* It shall be unlawful to sell, or expose, or offer to sell, under the name of wine, or grape-musts, or condensed musts, or under any names designating pure wines or pure musts, as hereinbefore classified and defined or branded, labeled, or designated in any way as wine or musts, or by any name popularly and commercially used as a designation of wine produced from grapes, such as claret, burgundy, hock, sauterne, port, sherry, madeira, and angelica, any substance or compound, except pure wine, or pure grape-must or pure grape condensed must, as defined by this act, and produced in accordance with and subject to restrictions herein set forth; provided, that this act shall not apply to liquors imported from any foreign country, which are taxed upon entry by custom laws in accordance with a specific duty, and contained in original packages or vessels, and prominently branded, labeled, or marked, so as to be known to all persons as foreign products, excepting, however, when such liquor shall contain adulterations of artificial coloring matters, antiseptic chemicals, or other ingredients known to be deleterious to the health of consumers; and provided, further, that this act shall not apply to currant wine, gooseberry wine, or wines made from other fruits than the grape, which are labeled or branded and designated, and sold or offered or exposed for sale, under names, including the word "wine," but also expressing distinctly the fruit from which they are made, as gooseberry wine, elderberry wine, or the like. Any violation of any of the provisions of any of the preceding sections shall be a misdemeanor.

SEC. 5. *Exemptions.* Exceptions from the provisions of this act shall be made in case of pure champagne, or sparkling wine, so far as to permit the use of crystallized sugar in sweetening the same according to usual customs, but in no other respect.

SEC. 6. *Penalty.* In all sales and contracts for sale, production, or delivery of products defined in this act, such products, in the absence of a written agreement to the contrary, shall be presumed to be pure, as herein defined, and such sale or contracts shall, in the absence of such an agreement, be void, if it be established that the products so sold or contracted for were not pure as herein defined; and in such case the concealment of the true character of such products shall constitute actual fraud for which damages may be recovered, and in a judgment for damages, reasonable attorney fees, to be fixed by the court, shall be taxed as costs.

SEC. 7. *Labels.* The controller of the State shall cause to have engraved plates, from which shall be printed labels, which shall set forth that the wine covered by such labels is pure California wine, in accordance with this act, and leaving blanks for the name of the particular kind of wine and the name or names of the seller of the wine and place of business. These labels shall be of two forms or shapes, one a narrow strip to cap over the corks of bottles, the other a round or square and sufficiently large, say three inches square, to cover the bungs of packages in which wine is sold. Such labels shall be furnished upon proper application to actual residents, and to be used in this State only, and only to those who are known to be growers, manufacturers, traders, or handlers, or bottlers of California wine; and such parties will be required to file a sworn statement with said controller, setting forth that his or their written application for such labels is and will be for his or their sole use and benefit, and that he or they will not give, sell, or loan such label to any other person

or persons whomsoever. Such labels shall be paid for at the same rate and price as shall be found to be the actual cost price to the State, and shall be supplied from time to time as needed, upon the written application of such parties as are before mentioned. Such label, when affixed to bottle or wine package, shall be so affixed that by drawing the cork from the bottle or opening the bung of package, such label shall be destroyed by such opening; and before affixing such labels, all blanks shall be filled out, by stating the variety or kind of wine that is contained in such bottle or package, and also by the name or names and post office address of such grower, manufacturer, trader, handler, or bottler of such wine.

SEC. 8. *Pure California wine; label; penalty.* It is desired and required that all and every grower, manufacturer, trader, handler, or bottler of California wine, when selling or putting up for sale any California wine to parties to whom sold, shall plainly stencil, brand, or have printed where it will be easily seen, first, "Pure California wine," and secondly his name, or the firm's name, as the case may be, both on label of bottle or package in which wine is sold or sent; or he may in lieu thereof, if he so prefers and elects, affix the label which has been provided for in section seven. It shall be unlawful to affix any such stamp or label as above provided to any vessel containing any substance other than pure wine as herein defined, or to prepare, or use in any vessel containing any liquid, any imitation or counterfeit of such stamp, or any paper in the similitude or resemblance thereof, or any paper of such form and appearance as to be calculated to mislead or deceive any unwary person, or cause him to suppose the contents of such vessel to be pure wine. It shall be unlawful for any person or persons, other than the ones for whom such stamps were procured, to in any way use such stamps, or to have possession of the same. A violation of any of the provisions of this section shall be a misdemeanor, and punishable by fine of not less than fifty dollars and not more than five hundred dollars, or by imprisonment in the county jail for a term of not exceeding ninety days, or by both such fine and imprisonment. All moneys collected by virtue of prosecutions had against persons violating any provisions of this or any preceding sections shall go, one half to the informer, and one half to the district attorney prosecuting the same.

SEC. 9. *Comptroller to keep record of stamps.* It shall be the duty of the comptroller to keep an account, in a book to be kept for that purpose, of all stamps, the number, design, time when and to whom furnished. The parties procuring the same are hereby required to return to the comptroller semi-annual statements under oath, setting forth the number used, and how many remain on hand. Any violation of this section by the person receiving such stamps is a misdemeanor.

SEC. 10. *Use of stamps or labels.* It shall be the duty of any and all persons receiving such stamps to use the same only in their business, in no manner or in no wise to allow the same to be disposed of except in the manner authorized by in this act; to not allow the same to be used by any other person or persons. It shall be their duty to become satisfied that the wine contained in the barrels or bottles is all that said label imports as defined by this act. That they will use the said stamps only in this State, and shall not permit the same to part from their possession, except with the barrels, packages, or bottles upon which they are placed as provided by this act. A violation of any of the provisions of this section is hereby made a felony.

SEC. 11. This act shall take effect and be in force ninety days after its passage.—*Deering's Penal Code, 1897, Appendix, pp. 495-502.*

## COLORADO.

The State dairy commissioner is charged with the enforcement of laws relating to butter and cheese. No provision is made for the enforcement of other food and drug laws.

### GENERAL FOOD LAW.

SEC. 10. *Diseased meat of fish or adulterated food not to be offered for sale; penalty.* If any person or persons shall knowingly sell or offer for sale, or permit to be sold, any flesh of any diseased animal, or of any animal being in good health, which shall not have been butchered or killed for the purpose of sale, or if any person or persons shall knowingly offer for sale, sell, or permit to be sold, any diseased, or decayed, or partially diseased or decayed fish, flesh, or game, or other unwholesome provisions, or any article of food or drink, which shall be adulterated with anything injurious to health, the person or persons so offending shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the penitentiary of not more than two years, or by fine of not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 12. *Poisonous foods.* If any person or persons shall knowingly sell, offer for sale, or permit to be sold any article of food or drink adulterated with any substance poisonous or injurious to health, and sickness or death should result from the use of such article, the person or persons so selling or offering for sale, or permitting such article to be sold, shall be guilty of felony, and on conviction thereof shall be punished by imprisonment at hard labor in the penitentiary for not more than five years.

SEC. 13. *Adulterated food.* If any person or persons shall knowingly sell, or offer to sell, or permit to be sold as pure and unadulterated, any article of food or drink which shall be adulterated with any other substance, without marking or branding the same, or in some other manner notifying the purchaser, or prospective purchaser, of the article sold, offered for sale, or permitted to be sold, that the same is adulterated, the person or persons so offending shall be guilty of misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 14. *Counterfeit foods.* If any person or persons shall knowingly sell, or offer for sale, or permit to be sold, any article made in the semblance of, or purporting to be any other article of food or drink, without marking or branding the same, or otherwise notifying the purchaser, or prospective purchaser, of the real character or the actual composition of the article so sold, offered for sale or permitted to be sold, the person or persons so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars.—*Session Laws, 1887, p. 16. (Mill's Annotated Stat., 1891, vol. 1, ch. 1, pp. 399-401.)*

**3597g.** *Tainted or unwholesome food.* If any person shall knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer he shall upon conviction be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars.

**3597h.** *Adulteration of food and drugs.* If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, he shall upon conviction be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars, and the article so adulterated shall be forfeited and destroyed.

**3597i.** *Injurious adulteration of drugs.* If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine in such manner as to render the same injurious to the health he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.

**3597j.** *Injurious adulteration of foods.* No person shall mix, color, stain, or powder or order or permit, any other person to mix, color, stain or powder any article of food with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold; and no person shall knowingly sell or offer for sale any article so mixed, colored, stained or powdered.

**3597k.** *Drugs adulterated with inferior substances.* No person shall except for the purpose of compounding in the necessary preparation of medicine, mix, color, stain, or powder, order or permit, any other person to mix, color, stain or powder any drug or medicine with any ingredient or materials so as to affect injuriously the quality or potency of such drug or medicine with intent to sell the same, or shall sell or offer for sale any drug or medicine so mixed, colored, stained or powdered.

**3597l.** *Adulteration of food and drugs for gain.* No person shall mix, color, stain or powder, any article of food, drink or medicine, or any article which enters into the composition of food, drink or medicine with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale or order or permit any other person to sell or offer for sale any article so mixed, colored, stained, or powdered, unless the same be so manufactured, used or sold, or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel, containing the same, so as to be and remain at all times readily visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof,) of such article of food, drink or medicine at the time of making sale thereof or offering to sell the same.

**3597m.** *Glucose; oleomargarine.* No person shall mix any glucose or grape sugar with syrup, honey or<sup>s</sup> sugar intended for human food, or any oleomargarine, suine, beef fat, lard or any other foreign substance with any butter or cheese intended for human food, or shall mix or mingle any glucose or grape sugar or oleomargarine with any article of food without distinctly marking, stamping or labeling the article or the package containing the same with the true and appropriate name of such article and the percentage in which glucose or grape sugar, oleomargarine or suine enter into its composition, nor shall any person sell or offer for sale, or order or permit to be sold or offered for sale, any such food into the composition of which glucose or oleomargarine or suine has entered, without at the same time informing the buyer of the fact, and the proportions in which such glucose or grape sugar or oleomargarine or suine has entered into its composition.

**3597n.** *Penalty.* Any person convicted of violating any provision of any of the foregoing sections of this act shall be fined not more than fifty dollars or imprisoned in the county jail not exceeding three months.

**3597o.** *Duty of district attorneys.* It is hereby made the duty of the district attorneys of this state to appear for the people and attend to the prosecution of all complaints under this act in all courts in their respective counties.—*Mill's Annotated Statutes (Supplement), 1891-1896, pp. 944-946.*

## ALCOHOLIC BEVERAGES.

**27** (1). The importation of or bringing into this State, any spurious or adulterated, vinous or malt liquors, commonly called wine, beer, ale and porter. is hereby prohibited.—*Mill's Annotated Statutes, 1891, p. 403.*

**27a. Importation.** The importation into this state of any spurious, poisonous, adulterated or drugged spirituous liquors, or spirituous liquors adulterated or mixed with any poisonous or deleterious substance, mixture or compound, and whether such liquors be denominated alcohol, whiskey, rum, brandy, gin, or any or either of them, is hereby prohibited, except where such liquors are in good faith imported solely for chemical or mechanical purposes.

**27b. Manufacture of adulterated liquors.** The adulterating of any of the spirituous liquors, mentioned in section 1 (27a) of this act, except for chemical or mechanical purposes, or the manufacturing or making of the same within this state is hereby prohibited.

**27c. Sale of adulterated liquors.** The sale, barter, exchange or giving away within this state, except for chemical or mechanical purposes, of any of the spirituous liquors mentioned in section 1 (27a) of this act, or of any spirituous liquors of any kind whatsoever, by whatever name, brand or description called, classed or known, except that which is strictly pure and of the kind, quality, age, character and designation it purports to be, is hereby prohibited.

**27d. Inspection and stamping.** The sale, barter, exchange or giving away within this state, except for chemical or mechanical purposes of any of the spirituous liquors mentioned in section one (27a) of this act by whatever name, brand, quality or designation, the same may be called, classed or known, except that which is regularly distilled, duly inspected and stamped in full accordance with the United States internal revenue laws and regulations thereunder, is hereby prohibited.

**27e. Penalty.** Any person who shall violate any of the provisions of this act, on conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars, and not more than one thousand (1,000) dollars, and be imprisoned in the County jail for a term of not less than ten days, nor more than six months, in the discretion of the court.—*Mill's Annotated Statutes (Supplement), 1891-1896, pp. 108-109.*

---

**SEC. 28. Manufacture and sale prohibited.** The compounding, manufacture or sale of any of said spurious or adulterated vinous or malt liquors, by whatever name called, within this state is hereby prohibited.

**SEC. 29. Adulteration defined.** Any of said liquors, by whatever name called, or designated, which shall be found to contain any substance, property, ingredient or thing, other than the extract or property of the juice of the grape, in the case of vinous liquors; or other than the quality or property of malt and hops combined with water in the case of malt liquors, shall be deemed and held to be spurious or adulterated.

**SEC. 30. Branding.** No vinous or malt liquors shall be offered or exposed for sale in this state unless the barrel, keg, bottle or package containing such liquors shall be plainly stamped with a stamp containing the manufacturer's name, and the place where such liquors are made, and in the case of malt liquors the word "pure" ale, or "pure" lager beer, or "pure" porter, etc., as the case may be. The blank to be filled with the name of the particular kind of such liquor, and in the case of such vinous liquor, the word "pure" wine, the blank to be filled with the name or brand of the particular kind of wine so offered or exposed.

**SEC. 31. Handling prohibited.** It shall be unlawful for any person, being a dealer in liquors, to have or keep in his possession any spurious or adulterated liquors, such as are intended or defined in this act.—*Mill's Annotated Statutes, 1891, p. 404. (Session laws, 1887, p. 19.)*



SEC. 32. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment.—*Mill's Annotated Statutes (Supplement), 1891-1896, p. 109.*

SEC. 33. *Justices of the peace have jurisdiction.* Justices of the peace shall have jurisdiction for any violations of sections 1 (27), 2 (28) and 4 (30) of this act, to try the same, and impose sentence as herein provided; but where the complaint shall be a violation of section 5 (31) of this act, the party, upon hearing, if not discharged, shall be held to bail or committed to jail until the next term of the district court of the proper county, to answer to an indictment.

SEC. 34. *Fines paid to complainant.* For the period of two years, and until otherwise provided by law, all moneys collected for fines, for violation of any of the provisions of this act, shall belong and be paid to any person who shall make complaint, furnish the necessary evidence, and, as prosecuting witness, prosecute the offender to conviction. The district attorney, or his deputy, in the judicial district wherein such violation was committed, shall appear and prosecute in all cases arising under this act, and shall have the usual statutory fees, as in other cases.—*Mill's Annotated Stat., 1891, vol. 1, p. 404.*

#### DAIRY PRODUCTS.

8. *Appointment of dairy commissioner; salary; reports.* The governor, by and with the advice and consent of the Senate, shall appoint a commissioner, who shall be a practical dairyman, actually engaged in the business and who shall be at the time of his appointment and for at least one year preceding his appointment known as the Colorado State dairy Commissioner, who shall be a citizen of the State, and who shall hold his office for the term of two years, or until his successor is appointed and qualified; and who shall receive the sum of twelve hundred dollars (\$1,200) per year, payable monthly. Said commissioner shall be appointed within ten days after the passage of this act, and shall be charged, under the direction of the governor, with the enforcement of the various provisions thereof; said commissioner may be removed from office for cause, to be assigned by the governor, and his successor appointed as above provided for. Said commissioner shall make semi-annual reports to the governor, not later than June 20, and December 20, of each year, of his work and proceedings, and the Secretary of State shall furnish said dairy commissioner with a proper office, office furniture and all stationery etc., necessary to the proper conduct of said office.

*Sa. Deputy; chemist.* The said commissioner shall have the power to appoint a deputy, whose salary shall not exceed one thousand dollars (\$1,000) per year, to be paid monthly. He is also authorized and empowered, by and with the consent and approval of the governor, to employ a practical chemist, who shall receive ten dollars for each day necessarily engaged.

*Sb. Traveling expenses.* Said commissioner and his deputy shall be entitled to their necessary and actual traveling expenses incurred in the discharge of their official duties, to be paid at the end of each calendar month upon duly certified and itemized bills, to be approved by the governor.

*Se. Manufacture and sale of butter and cheese.* Every person, who by himself or by his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in their possession with intent to sell or use or serve to patrons, guests, boarders or inmates in any hotel, eating house restaurant, public conveyance or boarding house or public or private hospital, asylum, school or eleemosynary or penal institution, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced directly and at

the time of manufacture from unadulterated milk or cream from the same, which shall be in imitation of cheese or yellow butter produced from pure unadulterated milk or cream from the same; shall be deemed guilty of a misdemeanor and punished as hereinafter provided; Provided, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or filled cheese in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like cheese or yellow butter.

**Sd. Branding of cheese.** Every person who shall at any cheese factory in the state, manufacture cheese and shall fail, at the factory where it was made, to distinctly and durably stamp on the bandage every such cheese, and on the box containing the same, in full faced capital letters, the grade of the same, as "Colorado full cream," "skim," or "imitation" cheese as hereinafter defined, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. Brands and stencils for stamping shall be procured of the state dairy commissioner.

**Se. Grading of cheese.** The state dairy commissioner is hereby authorized to issue to each cheese factory in the state, upon proper application therefor, uniform stencils or brands to be used as hereinafter<sup>a</sup> provided, in section 5 [8d]. All cheese containing not less than 35 per cent of butter fat in comparison with the total solids shall be branded "Colorado full cream cheese." All containing less than the above prescribed amount of fat shall be branded "skim cheese." All cheese into which any foreign fats or other oleaginous substance or substances or the fats from stale, rancid, foul or impure butter have been introduced shall be branded "imitation cheese."

**Sf. Record of cheese brands.** The State dairy commissioner shall issue the brands provided for in section 6 [8c] upon proper application therefor, and shall keep a book in his office, which book shall contain a record of the number of each brand issued, and the names and location of the factory receiving the same; and no factory other than the one to which such brand is issued shall use the same.

**Sg. Power to collect evidence.** The Colorado dairy commissioner shall have power, in the discharge of the duties of his office, to examine under oath or otherwise any person whom he may believe has knowledge concerning the sale or use of imitations of butter or cheese; he is empowered to issue any subpoena requiring the appearance of witnesses and the production of books and papers, and administer oaths with like effect as is done in courts of law in this State; and it shall be the duty of any district court or the judge thereof, or county court or judge thereof, upon application by said commissioner, to issue an attachment for such witnesses, and compel him or them to attend before the commissioner and give testimony upon such matters as he or they shall be lawfully required by such commissioner; and said court or judge shall have power to punish for contempt as in other cases of refusal to obey the order and process of the court.

**Sh. Inspection of milk and prosecution of law breakers.** Inspectors of milk in cities and corporated towns and the Colorado State dairy commissioner, or his deputy, shall, and any other person who knows the facts may, institute complaint before any justice of the peace, or county court, and the district attorney or his deputies shall file information in the district court, for the violation of the provisions of this act, whenever they have reasonable cause to believe that any of its provisions have been violated, and it shall be the duty of the district attorney or his deputies to prosecute any such complaints or informations to conviction in the courts where the same may have been instituted.

**9. Analysis.** It shall be the duty of said dairy commissioner or his deputies, or any inspectors of milk in cities, to enter all places where they have good reason to believe that butter or cheese or imitations thereof may be stored or kept for sale, or

<sup>a</sup>So in statutes.

kept for the purpose of being offered for the use of patrons or customers, and to take samples of suspected butter or cheese or the imitation thereof, and cause them to be analyzed, or otherwise satisfactorily tested, by a practical chemist, and such analysis or test shall be recorded and preserved as evidence; and the certificate of such result, sworn to by such chemist, shall be admitted in evidence in all prosecutions under this act: Provided, That the person accused may by subpoena compel the attendance in court of such chemist; the expense of such analysis or test to be determined by the court, not exceeding twenty dollars in any one case, may be included in the cost of such prosecution.

**9a. Interference.** Whoever hinders or obstructs or in any way interferes with the said dairy commissioner or his deputies, or with such inspectors of milk, in the performance of his or their duty, as aforesaid, shall be punished by a fine of fifty dollars for the first offense, and one hundred dollars for each subsequent offense, and stand committed to the county jail till such fine is paid, as provided by law.

**9b. Penalty.** Whoever violates any of the provisions of sections 4 [8c] and 6 [8e] of this act shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, and shall stand committed to the county jail until such fine is paid, as provided by law, or by imprisonment in the county jail for a term not exceeding one year.

**9c. Pre-existing violations of laws.** This act shall not be construed to impair or prevent the prosecution and punishment of any violations of law existing at the time of its passage and committed prior to its taking effect.

**9d. Fines.** All fines imposed by this act, or by the authority thereof, shall be paid, when collected, into the general school fund of the county wherein the conviction shall be had.

**9e. Appropriation for salaries, etc.** There is hereby appropriated out of money in the State treasury, not otherwise appropriated, the sum of four thousand dollars (\$4,000), or so much thereof as may be necessary for the purpose of paying the salaries and expenses of the State dairy commissioner, deputy dairy commissioner, as follows: For the salaries and expenses of said State dairy commissioner, deputy dairy commissioner, for the year 1895, the sum of two thousand dollars (\$2,000). For the salaries and expenses of said State dairy commissioner, deputy dairy commissioner, for the year 1896, the sum of two thousand dollars (\$2,000).—*Mill's Annotated Statutes (Supplement), 1891-1896, pp. 102-106.*

---

**SEC. 11. Adulterated milk; penalty.** Whoever shall, for the purpose of sale for human food, adulterate milk with water or any foreign substance, or whoever shall knowingly sell for human food milk from which the cream has been taken without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food milk from which what is commonly called "strippings" has been withheld without the purchaser thereof being informed or knowing the fact, or whoever shall knowingly sell for human food milk drawn from a diseased cow, knowing her to be so diseased as to render her milk unwholesome, or whoever shall knowingly sell for human food milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly supply or bring to be manufactured into any substance for human food to any cheese or butter factory or creamery without all interested therein knowing or being informed of the fact milk which is adulterated with water or any foreign substance, or milk from which cream has been taken, or milk from which what is commonly called "strippings" has been withheld, or milk drawn from a diseased cow, knowing her to be so diseased as to injure her milk, or milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly add any foreign substance to the milk or cream whereby it or the products thereof shall

become unwholesome for human food, shall be guilty of an offense, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, or both such fine and imprisonment.—*Mill's Annotated Statutes, 1891, vol. 1, p. 399.*

**3597p.** *Sale of impure and unwholesome milk.* It shall be unlawful for any person, either by himself or his agent, to sell or expose for sale within the State of Colorado any unwholesome, watered or adulterated or impure milk, or swill milk or colostrum, or milk from cows kept upon garbage, swill or any substance in a state of fermentation or putrefaction, or other deleterious substances, or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to the milk is hereby declared an adulteration.

**3597q.** *Penalty.* Any person who shall violate any of the provisions of the preceding section shall, upon conviction, be punished by a fine not to exceed one hundred dollars, or by imprisonment not to exceed three months, or by both such fine and imprisonment, in the discretion of the court.

**3597r.** *Inspectors.* Authority is hereby given the Board of Health of any county, city or town, to appoint an inspector of milk in any such city or village, and to fix their (his) compensation, and when appointed said inspectors shall perform all the duties required of inspectors as provided herein, and such other powers and duties as may be conferred (conferred) or imposed by the ordinances of said cities or villages.

**3597s.** *Skimmed milk.* Any dealer in milk who shall by himself, or by his servant, or agent, sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or exposes or offers for sale as pure milk any skimmed milk, from which, the cream or part thereof has been removed, shall be guilty of a misdemeanor, and shall for such offense, be punished by the penalty provided in the preceding section.

**3597t.** *Manufacture and sale of adulterated butter.* Every person who shall manufacture for sale, or who shall offer or expose, for sale, by the tub, firkin box or package or any greater quantity, any article or substance in semblance of butter not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animal enot (not) produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top and also upon the side of every such tub, firkin, box or package of such article or substance the word "Oleomargarine" where it can be plainly seen in Roman letters which shall be burnt on, or printed therein with permanent black paint, in a straight line, and each letter shall not be less than one inch in length: and in case of retail sales of such article or substance, in parcels; the seller shall, in all cases, sell or offer for sale from a tub, firkin, box or package, stamp branded or marked as herein stated and shall also deliver therewith to the purchaser a printed label bearing the plainly printed word "Oleomargarine" or "Butterine" as the same may be, with the name of the manufacturer, in Roman letters not less than one half inch in length, which shall be printed in a straight line, and every sale of such article or substance by tub, firkin, box or package or in any greater quantity not so stamped, branded or marked as "Oleomargarine or Butterine" as the same may be, and every sale of such article or substance at retail in parcels that shall not be sold from a tub, firkin, box or package so stamped, branded or marked, or without delivery of a label therewith as above stated, is declared to be unlawful and void, and no action upon any contract shall be maintained in any of the courts of this state to recover upon any contract for the sale of any such article or substance not so stamped, branded marked labeled or sold.—*Mill's Annotated Statutes (Supplement), 1891-1896, pp. 946-948.*

## CONNECTICUT.

The dairy commissioner is charged with the enforcement of a portion of the food and drug laws, and the State experiment station with the examination of samples. The State experiment station is also authorized to establish standards of purity, quality, or strength, when such standards are not specified by law.

In response to a letter of inquiry, Mr. J. B. Noble, the dairy commissioner of the State of Connecticut, writes as follows:

I have examined proof you sent of the food laws of the State of Connecticut and find no mistakes to be corrected. The pure-food law which I marked (chapter 235 of the Public Acts of 1895. See pp. 55 and 56) is the one under which the most of the general work is done. This is under the charge of the experiment station in New Haven, in connection with the dairy commission. The dairy commissioner has charge of all prosecution under this law.

The imitation-butter law, vinegar and molasses law, are special laws, and under the direct charge of the dairy commission. The other laws I have no connection with and can not speak officially as to the work carried on in connection with them.

Dr. E. H. Jenkins, director of the State experiment station, writes as follows:

At the beginning of the food report for 1900 (see below) you will find a discussion of certain defects of the law, and I have nothing to add to the memoranda there given.

Regarding the food laws of Connecticut, as given in your schedule, I have never heard of any prosecutions brought under sections 2648, 2649, and 2650. They have always been dead letters. I have never heard of any prosecutions under the laws relating to alcoholic beverages, candy, or dairy products. The trouble with these laws has been that it has not been made the business of anyone to enforce them. The laws regarding vinegar, butter, and molasses have been pretty well enforced.

The discussion of defects in the Connecticut law, referred to above, occurs in the letter of submittal of the fifth annual report of the experiment station on food products. It is as follows:

It may not be inappropriate in this connection to call attention to certain defects in the food law of Connecticut, which the experience of the last five years has made apparent, and to suggest some changes which would remedy these defects and thus better protect the public against frauds in food.

1. After "fully," in the second line from the end of section 2, as it is printed on page 108 of this report, insert the words *and conspicuously*. The manufacturers of "mixtures" and "compounds" quite commonly print on the package or label, in type so small as to be scarcely legible, or in a place not likely to catch the eye of the buyer, those words which the law requires, but which the vendors do not wish to have seen.

2. The last five paragraphs of section 3 tend to favor the misbranding or adulteration of food products, being, in fact, contrary to other specifications in sections 2 and 3. For instance, in regard to paragraph (a), there are a considerable number of

articles of food on sale which are "mixtures or compounds," "now known" under their "own distinctive name," and not included in definition fourth of this section, i. e., not "in imitation of, or sold under the name of, another article." Accordingly, they are exempt from all requirements of section 3, whereas they should not be exempt from paragraphs five, six, and seven of that section. This fault would be corrected by inserting in the last line of (a), after the word "fourth," the words *fifth, sixth, or seventh*.

Paragraph (b) of section 3 exempts from the requirements of section 2 any article that is *either* "plainly or correctly" (labeled) "to show that it is a mixture," etc. For the word "or" should, of course, be substituted *and*.

The intent is to permit the sale of mixtures of different materials, wholesome in themselves, which are so labeled as to show that they are mixtures and are not a single, unmixed food product. But the language of the law is not explicit enough. For example, a material consisting of coffee mixed with peas, chicory, and roasted wheat may at present be legally sold as "French Mixed Coffee," under the provision of paragraph (b). Yet the label does not clearly indicate, as it ought, that the material contains other things than coffee. It is common to mix or blend various kinds of pure coffee, and this label indicates nothing more than such a mixing. The word "compound" is less open to this objection than "mix" or "blend."

The paragraph might read, (b) *In the case of articles labeled, branded, or tagged so as plainly and correctly to show that they are compounds of two or more different food products.*

(c) and (d) tend to favor the use of chemical preservatives, which, unlike the standard preservatives, salt, sugar, spices, vinegar, and wood smoke, cannot be detected by the purchaser (by taste or odor) and to nullify the fifth and sixth clauses of section 3.

In my opinion chemical preservatives should only be allowed in food products when the fact of their presence is made known by a statement on the label, or, in case of milk, perhaps, by a written or oral statement to the purchaser. The reasons for this have been given in the Report on Food Products for 1899, pages 139 to 141. To make this change there should be inserted in section 3, first line of paragraph (c), after the word "ingredient," the words—*excepting preservatives other than salt, sugar, spices, vinegar, or wood smoke.*

Also insert in paragraph sixth of section 3, after the word preservative and in place of the rest of the paragraph, the words *other than salt, sugar, spices, vinegar, or wood smoke.*

Section 8 prescribes no penalty for misbranding. It should be amended to read—*Any person who, either by himself, his agent, or attorney, violates any of the provisions of this law shall be fined not more than five hundred dollars or imprisoned not more than one year.*

The law provides for the printing and distribution of but 7,000 copies of this report. As the facts given in it are important to every householder in the State, this number of copies seems extremely inadequate. To secure wider distribution of this report and to meet the many calls for it from those not on our regular mailing list, the station last year printed 3,000 extra copies for distribution within the State. Less than 25 of these still remain in our possession. Fifteen thousand copies would no more than meet the demand.

Very respectfully,

E. H. JENKINS, *Director.*

NEW HAVEN, *July 31, 1900.*

#### GENERAL FOOD LAWS.

**2648.** *Analysis of suspected products.* The boards of health of the several cities, boroughs, and towns, in this State, may from time to time, at their discretion, procure from any dealer in provisions, groceries, medicines, or other articles of consumption, samples of such articles, and cause the same to be analyzed by one of the

State chemists, and if on such analysis it shall be found that the article analyzed is adulterated with any deleterious or foreign ingredient or ingredients, other than is represented verbally and in a conspicuous label by the seller, the chemist making the analysis shall issue his certificate setting forth the kind and quantity, as near as may be, of deleterious and foreign ingredients found in the article analyzed, and the board of health causing such analysis to be made shall cause said certificate to be published in some paper published in the city, borough, or town, or one nearest thereto, where the article analyzed was obtained, for such length of time as they may think proper, and the cost of analysis, together with the cost of the publication of the certificate, shall be paid by the person or firm from whom the article analyzed was obtained; and if such person or firm shall so elect, he or they may annex to said certificate his or their sworn affidavit, setting forth from whom the article analyzed was purchased by him or them.

**2649.** *Cost of analysis of pure products.* In all cases where an analysis has been made according to the provisions of the preceding section, and the article or articles analyzed shall have been found pure and free from foreign ingredients, the cost of the analysis shall be paid by the city, borough, or town, whose board of health, or any officer thereof, caused such analysis to be made.

**2650.** *Adulteration of sugar.* Every person who shall adulterate any sugar, or who shall knowingly sell, or offer or expose for sale any sugar which has been adulterated with salts of tin, terra alba, glucose, dextrose, starch sugar, corn syrup, or other preparation from starch, shall be fined not more than five hundred dollars, or imprisoned not more than one year.—*General Statutes, 1888, ch. 158, pp. 579-580.*

**SEC. 1.** *Adulterated or misbranded food.* It shall be unlawful for any person, persons, or corporation within this State to manufacture for sale, offer or expose for sale, have in his or their possession for sale, or to sell, any article of food which is adulterated or misbranded within the meaning of this act.

**SEC. 2.** *“Food” and “misbranded” defined.* The term food, as used in this act, shall include every article used for food or drink by man, horses, or cattle. The term misbranded, as used in this act, shall include every article of food and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article, which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such article in any measurable quantity.

**SEC. 3.** *“Adulteration” defined.* For the purposes of this act, an article shall be deemed adulterated:

First, if any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength; second, if any inferior substance or substances be substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it be an imitation of or sold under the name of another article; fifth, if it is colored, coated, polished, or powdered whereby damage is concealed, or if it is made to appear better or of greater value than it is; sixth, if it contains poisonous ingredients which may render such article injurious to the health of a party consuming it, or if it contain any antiseptic or preservative not evident and not known to the purchaser or consumer; seventh, if it consists, in whole or in part, of a diseased, filthy, decomposed, or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter, provided that an article of food product shall not be deemed adulterated or misbranded within the meaning of this act in the follow-

ing cases: (a) In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not included in definition fourth of this section; (b) in case of articles labeled, branded, or tagged, so as plainly or correctly to show that they are mixtures, compounds, combinations, or blends; (c) when any matter or ingredient is added to a food because the same is required for the protection or preparation thereof as an article of commerce in a fit state for carriage or consumption and not fraudulently to increase the bulk, weight, or measure of the food, or to conceal the inferior quality thereof; (d) when a food is unavoidably mixed with some extraneous matter in the process of collection or preparation.

SEC. 4. *Analysis of food products by experiment station.* The Connecticut Agricultural Experiment Station shall make analyses of food products on sale in Connecticut, or kept in Connecticut for export, to be sold without the State, suspected of being adulterated. Samples of food products for analysis shall be taken by the duly authorized agents of the Station, or by the Dairy Commissioner or his Deputy, at such times and places and to such an extent as in the judgment of the officers of said Experiment Station and of the Dairy Commissioner shall seem expedient. The Dairy Commissioner or his Deputy shall have full access at all reasonable hours to any place wherein it is suspected that there is kept for sale or for export, as above specified, any article of food adulterated with any deleterious or foreign ingredient or ingredients, and said Dairy Commissioner or his Deputy, upon tendering the market price of such article, may take from any person, firm, or corporation samples of the same. The said Experiment Station may adopt or fix standards of purity, quality, or strength, when such standards are not specified by law.

SEC. 5. *Experiment station to report results to dairy commissioner.* Whenever said Experiment Station shall find by its analysis that adulterated food products have been on sale in the State, or kept in the State for export, for sale without the State, it shall forthwith transmit the facts so found to the Dairy Commissioner, who shall make complaint to the proper prosecuting officer, to the end that violators of the law relating to the adulteration of food products shall be prosecuted.

SEC. 6. *Annual report to governor.* The said Station shall make an annual report to the governor upon adulterated food products, in addition to the reports required by law, which shall not exceed one hundred and fifty pages, and said report may be included in the report which said Station is already authorized by law to make, and such annual reports shall be submitted to the general assembly at its regular session.

SEC. 7. *Appropriation.* To carry out the provisions of this act, the additional sum of twenty-five hundred dollars is hereby annually appropriated to said Connecticut Agricultural Experiment Station, which sum shall be paid in equal quarterly installments to the treasurer of the board of control of said Station, upon the order of the comptroller, who is hereby directed to draw his order for the same.

SEC. 8. *Penalty.* Any person who, either by himself, his agent, or attorney, with the intent that the same may be sold as unadulterated, adulterates any food products for man, or horses, or cattle, or, knowing that the same has been adulterated, offers for sale or sells the same as unadulterated, or without disclosing or informing the purchaser that the same has been adulterated, shall be fined not more than five hundred dollars, or imprisoned not more than one year.

SEC. 9. *Contracts, etc., in violation of act.* No action shall be maintained in any court in this State on account of any sale or other contract made in violation of this act.

SEC. 10. *Repeal.* All acts and parts of acts inconsistent herewith are hereby repealed.—*Public Acts, 1895, ch. 235, as amended March 23, 1899.*



## ALCOHOLIC BEVERAGES.

**3100.** *Addition of deleterious substances; penalty.* Every person who shall manufacture, sell, or keep for sale, any spirituous or intoxicating liquors, or any liquors made or compounded in imitation thereof, which are adulterated with any deleterious or poisonous substance, shall be fined not more than two hundred and fifty dollars, which fine shall be paid, one-half to him who shall prosecute to effect, and the other half to the town in which such offense is committed.—*General Statutes, 1888, ch. 187.*

SEC. 1. *Use of injurious drugs, etc., in brewing.* All persons engaged in the business of brewing or manufacturing ale, beer, or other fermented liquors are hereby prohibited from using in the process of brewing or manufacturing any poisonous or deleterious drugs or chemicals, or any impure or injurious materials, or such as are prejudicial to the health of any person brewing or making use of any such ale, beer, or other fermented liquors.

SEC. 2. *Penalty for sale of adulterated liquors.* Every person who shall sell or expose for sale any ale, beer, or other fermented liquors, knowing the same to be adulterated, or shall adulterate for the purpose of sale any ale, beer, or fermented liquors shall be fined not more than one thousand dollars or imprisoned not more than six months.

SEC. 3. *Penalty for violation of sec. 1.* Any person who shall use any such poisonous or deleterious drugs, or chemicals, or impure or injurious materials, or those prejudicial to health, as are prohibited by the first section of this act, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

SEC. 4. *Sampling for analysis; prosecution.* The secretary of the state board of health, or some persons designated by the state board of health, may at any reasonable time enter upon the premises of a brewer, or wholesale or retail dealer of any ale, beer, or other fermented liquors, and secure direct from the vessel or package in which such liquors are contained samples of such liquors to be submitted to the state chemist for analysis. The person securing the sample shall seal the package containing the same in the presence of the retailer, wholesaler, or brewer, or their authorized representative, and shall deliver it to the state chemist with the said seal unbroken. The state chemist shall analyze all samples thus submitted to him, and if he finds that any contain poisonous or deleterious drugs, or chemicals, or impure or injurious materials, he shall acquaint the proper prosecuting officer with the facts, and it shall be the duty of such prosecuting officer to prosecute the retailer, wholesaler, or brewer in accordance with the provisions of this act.—*Approved June 10, 1897. (Public Acts, 1897, ch. 136, pp. 948, 949.)*

## CONFECTIONERY.

*Candies containing alcohol.* All statutes relating to the illegal sale or delivery of spirituous and intoxicating liquors and the penalties for the same are hereby made applicable to the sale or delivery of candies or confections containing any such liquors or any sirup of which one per centum or more is alcohol.—*Public Acts, 1901, ch. 150, p. 1324.*

*Adulterated candy; penalty.* Any person who shall adulterate candy with terra alba, barytes, talc, or any other mineral substance, or with poisonous colors or flavors, or knowingly sell or offer for sale, candy so adulterated, shall be punished by a fine of not more than one hundred dollars.—*Approved, June 13, 1895. (Public Acts, 1895, ch. 183, p. 541.)*

## DAIRY PRODUCTS.

**2658. Sale to factories of adulterated or diluted milk.** Whoever shall knowingly sell, supply, or bring to be manufactured to any butter or cheese manufactory in this state any milk diluted with water, or adulterated by the addition of any foreign substance, or from which any cream or milk commonly known as strippings, has been taken; or whoever shall knowingly bring or supply milk to any butter or cheese manufactory that is tainted or partly sour, shall forfeit not less than twenty-five nor more than one hundred dollars, with costs of suit, for the benefit of the person or persons upon whom such fraud shall be committed.

**2659. Certificate of analysis, etc.** The usual test for quality and the certificate of analysis of the director of the Connecticut Agricultural Station shall be deemed *prima facie* proof of adulteration.

**2660. Skimmed milk must be labeled.** No person shall sell, offer, or expose for sale any milk from which the cream or any part thereof has been removed, without distinctly and durably affixing a label, tag, or mark of metal in a conspicuous place upon the outside, and not more than six inches from the top of every can, vessel or package containing such milk, and such metal label, tag, or mark shall have the words "Skimmed Milk" stamped, printed, or indented thereon in letters not less than one inch in height, and such milk shall only be sold or retailed out of a can, vessel, or package so marked.

**2661. Sale of impure or adulterated milk.** No person shall sell, or offer for sale, or shall have in possession with intent to sell or offer for sale, any impure or adulterated milk.

**2662. Penalty.** Every person who shall violate any of the provisions of the two preceding sections shall be fined not more than seven dollars, or imprisoned not more than thirty days, or both.

**2663. Notice of law.** A printed notice of this and the five preceding sections shall be conspicuously posted in all public places, creameries or factories where milk is received or sold.

**2664. Sale of diseased milk.** Any person who shall knowingly sell, or expose for sale, milk or any product of milk, from any cow which shall have been adjudged by the Commissioners upon Diseases of Domestic Animals affected with tuberculosis, or other blood disease, shall be fined not more than seven dollars, or imprisoned not more than thirty days, or both.—*General Statutes, 1888, ch. 158, pp. 581-582.*

---

**3981. Milk measures.** All sales of milk shall be made by wine measure.—*General Statutes, 1888, ch. 250, p. 887.*

---

**2614. Imitation butter defined; misbranding.** Any article resembling butter in appearance and not made wholly, salt and coloring excepted, from the milk of cows, shall be imitation butter within the meaning of this chapter. The words "butter," "dairy," or "creamery" shall form neither the whole nor a part of the name of any imitation butter, or appear upon any article, or upon any box, tub, or package containing imitation butter. (*As amended, 1893.*)

**2615. Regulating sale and use of imitation butter; signs.**—No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale, take orders for the future delivery of, or have in his possession with intent to sell, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same; *provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or any ingredient that causes it to look like butter. No imita-

tion butter shall be sold or exposed for sale or delivered, except under the following conditions: First, the seller shall maintain in plain sight, over or next the main outer entrance of the premises where the selling is done, a sign bearing in plain, black Roman letters, not less than two inches wide and four inches long, on a white ground, the words "sold here," preceded by the name of the imitation article. If the selling is done from a wagon or other vehicle, such vehicle shall conspicuously bear upon its outside, on both sides of said wagon or vehicle, such a sign. If the delivering is done from a wagon or other vehicle, such vehicle shall conspicuously bear upon its outside on both sides of said wagon or vehicle a sign bearing in plain, black, Roman letters, not less than two inches wide and four inches long, on a white ground, the words "delivered here," preceded by the name of the imitation article. Second, all imitation butter shall be kept in an enclosing package, which shall bear on the outside of its body, and also of its cover, at all times in plain sight of a beholder of the package, in black Roman letters, not less than one inch wide and two inches long, on a white or light-colored ground, the name of the imitation article. Third, the seller shall orally inform each buyer at each sale that the article he buys is not butter, and shall give the buyer the name of the imitation article. Fourth, every person, co-partnership, or corporation selling or offering for sale any imitation butter, and every keeper of a hotel, boarding house, or restaurant, temporary or permanent, who shall furnish any guest with any imitation butter, or food containing it, shall within fifteen days after the passage of this act, or within fifteen days after commencing said business, and annually on the first day of May, or within fifteen days thereafter, register in a book kept by the Dairy Commissioner for that purpose the name and the town, street and number of street, of the place of business of said person, co-partnership, corporation, keeper of a hotel, boarding house, or restaurant. All signs prescribed in sections 2615, 2616, and 2617 of the general statutes shall be provided by the Dairy Commissioner, and all signs required under provisions of section 2615 of the general statutes, to be maintained in plain sight over or next the main outer entrance of the premises where the selling is done, shall be placed in position under the direction of the Dairy Commissioner or his deputy. All signs so furnished by the Dairy Commissioner shall be paid for by the parties receiving the same, the same to be furnished at the actual cost thereof.—(*As amended, 1893 and 1895.*)

**2616.** *Use of imitation butter by bakers, etc.; sign.* No baker or vender of food shall sell or expose for sale any article of food containing imitation butter unless such baker or vender shall maintain the same kind of a sign as hereinbefore first prescribed, in the way and manner prescribed in that connection, except that the word "used" shall be substituted for the word "sold." If the selling be done from a wagon, or other vehicle, such vehicle shall conspicuously bear such a sign.

**2617.** *Use of imitation butter in hotels, etc.; sign.* No keeper of a hotel, boarding house, or restaurant, temporary or permanent, shall furnish any guest with any imitation butter, or food containing it, unless such keeper shall maintain in plain sight of all guests sitting at tables where food is served such a sign or signs as hereinbefore prescribed, except that the word "used" shall be substituted for the word "sold."

**2618.** *Dairy Commissioner; inspection and sampling; report.* The Governor shall appoint a citizen of the State as a Dairy Commissioner, who shall hold office for two years from and after the first day of May succeeding his appointment, and until his successor is appointed, unless sooner removed by the Governor for cause; and in case of his death, resignation, or removal, the Governor shall fill the vacancy. It shall be the duty of the Dairy Commissioner to attend to the enforcement of this chapter throughout the State. A room in the Capitol shall be set apart for the Dairy Commissioner. He may appoint and remove a deputy, who may also act as clerk. The Dairy Commissioner and his deputy shall have free access, at all reasonable hours, for the purpose of examining into any suspected violation of this chapter, to all places and premises, apartments of private families, keeping no boarder excepted,

where the Dairy Commissioner or his deputy suspects imitation butter to be made, sold, used, kept, or stored in transit, and on tender of the market price of good butter for the same may take from any person, firm, or corporation samples of any articles suspected to be imitation butter. And it shall be the duty of agents of railroad and express companies having knowledge or record of any consignment of imitation butter to inform the Commissioner or his deputy of such consignment, and the name of the consignee, when requested by said Commissioner or his deputy. The Dairy Commissioner may have samples suspected to be imitation butter analyzed at the Connecticut Experiment Station, or by any State Chemist, and a sworn or affirmed certificate after analysis shall be *prima facie* evidence of the ingredients and constituents of the samples analyzed. Any one refusing the Dairy Commissioner or his deputy access in a reasonable manner, and at a reasonable time, to premises for said purpose of examination, or refusing to sell samples as hereinbefore provided for, shall incur the penalty hereinafter first provided for violations of this chapter. The Dairy Commissioner shall make an annual report to the Governor, and such annual reports shall be submitted to the general assembly at its regular session.—*As amended, 1893 and 1897.*

**2619. Penalties.** Any person violating any of the provisions of sections 2614, 2615, or 2616, and any person, except a boarding house keeper, violating section 2617 shall for the first offense be fined not more than one hundred dollars or imprisoned not more than sixty days, or both; for any subsequent offense said fine and imprisonment shall be doubled. Any boarding house keeper violating section 2617 shall for the first offense be fined twenty-five dollars or imprisoned not exceeding thirty days, or both; for any subsequent offense said fine and imprisonment last mentioned shall be doubled. Evidence of any violation of this chapter shall be *prima facie* evidence of willful violation with knowledge. (*As amended 1893.*)—*General Statutes, 1888, ch. 114, p. 264.*

---

**SEC. 1. Tub butter must be so stamped.** No person by himself, or his agents or his servants, shall sell, offer for sale, or have in his possession with intent to sell, any butter known as "Tub Butter" which is pressed or printed into what is known as bricks, pats or balls, except under the following conditions: Every such brick, pat or ball shall have the words "Tub Butter" in one-half inch Roman letters, stamped or pressed upon it, and if wrapped, the wrapper shall be marked in like manner. It shall be the duty of the Dairy Commissioner to attend to the enforcement of this act throughout the state; and for this purpose the Commissioner and his deputy shall have free access at all reasonable hours to all places and premises where the Dairy Commissioner or his deputy suspects that any act in violation of this law has been or is being committed.

**SEC. 2. Penalty.** Any person violating any provision of this act shall be fined not more than one hundred dollars.—*Approved May 5, 1897. (Public Acts 1897, ch. 145, p. 851.)*

---

**SEC. 1. City milk inspector; registration of milk dealers.** The warden and burgesses of any borough or the mayor with the approval of the common council of any city within this state may have and are hereby given the right to appoint a competent person as milk inspector who may personally, or by some competent person appointed by him and approved by such board of warden and burgesses or common council, inspect all milk sold or offered for sale in such borough or city; may inspect all animals producing such milk whether within the limits of such borough or city or not; may inspect the buildings and places where such animals are kept, the dairy and all other places where such milk is kept, handled, sold, or produced, whether the same be within the limits of such borough or city or not; and said

board of warden and burgesses or common council may prohibit the sale of such milk within the limits of such borough or city excepting by such persons as shall first register their names, residences, and numbers in a book kept for the purpose at the office of the clerk of such borough or city. The clerk shall receive for each name so registered the sum of fifteen cents from the treasury of such borough or city.

SEC. 2. Such inspector or assistant shall have the right to take samples of milk from any producer or vendor in quantities of not less than one pint, upon tender of the market price therefor, but he shall, if such producer or vendor so request, suitably seal and mark a duplicate sample of such milk and leave the same with such producer or vendor.

SEC. 3. The warden of any borough or the mayor of any city shall have power at any time to remove any inspector appointed under the provisions of this act for cause.—*Approved, June 20, 1899. (Public Acts 1899, ch. 209, p. 1119.)*

#### DRUGS.

**3129.** Every person who shall knowingly adulterate or cause any foreign or inert substance to be mixed with any drug, or medicinal substance or preparation recognized by any pharmacopœia or employed in medical or medicinal practice, so as to weaken or destroy its medicinal effect, or shall sell such drug, compound, or preparation knowing it to be so adulterated or mixed, shall be fined not less than ten, nor more than one hundred dollars, and upon conviction, all such adulterated or mixed articles in his possession may be seized upon a warrant issued by the court in which such conviction is had, and destroyed by the officer by whom such seizure shall be made.—*General Statutes, 1888, ch. 188.*

#### FISH.

**2520.** *Destruction of fish by poisoning water; penalty.* Every person who shall place any deleterious or poisonous substance in any waters, for the purpose of taking or destroying fish, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

**2522.** *Penalty for permitting the same.* Every person who shall knowingly permit any substance, deleterious to fish, to flow or drain into, or be placed in any waters, having fish therein, shall for each day during which he shall so permit the same, be fined not more than one hundred dollars.—*General Statutes, 1888.*

#### MEAT.

**1553.** Every person who shall willfully sell, or offer to sell, the flesh of any animal or fowl which died or was killed when diseased, shall be fined not more than one hundred dollars, or imprisoned not more than six months.—*General Statutes, 1888.*

#### MOLASSES.

**2620.** *Dairy commissioner to enforce law; sampling and analysis; prosecution.* It shall be the duty of the Dairy Commissioner to attend to the enforcement of the law against the adulteration of molasses and the sale of adulterated molasses, and, for the purpose of examining into suspected violations of such law, he shall, at all reasonable hours have free access to all places and premises where he suspects that molasses is adulterated or adulterated molasses is sold, and on tender of the market price of good molasses for the same, he may take from any person, firm, or corporation samples of molasses which he suspects is adulterated and he may have samples of molasses suspected to be adulterated analyzed by any State chemist, or by the Experiment Station, and a sworn or affirmed certificate of such analyst shall be *prima facie* evidence of the ingredients and constituents of the samples analyzed;

and if such analysis shall show that the molasses is adulterated, he shall make complaint to the proper prosecuting officer, that the person or persons who adulterated said molasses, or sold or exposed for sale such adulterated molasses, may be prosecuted.

**2621. Refusing samples; penalty.** Any person refusing the Dairy Commissioner access, in a reasonable manner, and at a reasonable time for said purpose of examination, or refusing to sell samples, as hereinbefore provided, shall be fined not more than seven dollars, or imprisoned not more than thirty days, or both.

**2622. Adulteration of molasses; penalty.** Any person who shall adulterate any molasses, or who shall sell, or offer or expose for sale, or who shall solicit or receive any order for the sale or delivery within this State, or for delivery without this State for shipment within this State, of any molasses adulterated with salts of tin, terra alba, glucose, dextrose, starch sugar, corn syrup, or other preparation of, or from starch, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. The delivery of any of the above-mentioned preparations, upon any order solicited or received within this State, shall be conclusive evidence that the order, upon which such delivery was made, was for such articles, and shall render the person soliciting or receiving such order liable to the penalty above prescribed.—*General Statutes, 1888, as amended 1889.*

## VINEGAR.

**SEC. 1. Adulteration of cider vinegar; penalty.** No person shall make and sell, or make for sale, as cider vinegar, any vinegar, not produced wholly from the juice of apples. No person shall add to any vinegar, or to any article sold or to be sold as vinegar, any drug, any hurtful or foreign substance, any coloring matter, or any acid. Any person violating this section of this act shall be fined fifty dollars for a first offense, and for a second or later offense he shall be fined one hundred dollars and imprisoned thirty days.

**SEC. 2. Standard for vinegar; branding.** No person shall make and sell, or make for sale, any vinegar not having an acetic acidity equivalent to the presence therein of not less than four per centum by weight, of absolute acetic acid, and in the case of cider vinegar, not less than two per centum by weight of cider vinegar solids upon full evaporation over boiling water. No maker of vinegar shall sell the same without conspicuously branding, stenciling, or painting upon the head of the barrel, cask, keg, or package containing the same, the name of the maker, his residence or place of manufacture, and the true name of the kind of vinegar contained therein as "cider vinegar," "wine vinegar," "malt vinegar," or "wood acid vinegar;" provided, that this clause concerning marking shall not apply to retail sales, at the place of manufacture, in quantities of less than five gallons, and in open packages. Any person violating this section of this act shall be fined ten dollars for a first offense, and for a second or later offense fifty dollars.

**SEC. 3. Prohibited vinegars; penalty.** No person shall sell, or offer, or expose for sale or exchange, or solicit, or receive any order for the sale or delivery within this State, or for delivery without this State for shipment into this State: first, any vinegar, as cider vinegar, not wholly produced from the juice of apples; or second, any vinegar, or article sold, or to be sold as vinegar, in which has been added any drug, or any hurtful or foreign substance, or any coloring matter, or any acid; or third, any vinegar not having an acetic acidity equivalent to the presence therein of not less than four per centum by weight of absolute acetic acid, and in the case of cider vinegar, not less than two per centum by weight of cider vinegar solids upon full evaporation over boiling water; or fourth, any vinegar in a barrel, cask, keg, or other package not branded, stenciled, or painted as required by a previous section of this act. Any person violating this section of this act shall be fined ten dollars for

a first offense, and for a second or later offense fifty dollars. The delivery of any of the above mentioned articles upon any order solicited or received within this State shall be conclusive evidence that the order upon which such delivery was made was for such articles, and shall render the person soliciting or receiving such order liable to the penalty above prescribed.

SEC. 4. *Enforcement of law; sampling and analysis; prosecution.* It shall be the duty of the Dairy Commissioner to attend to the enforcement of this act, and for the purpose of examining into suspected violations thereof, he shall at all reasonable hours have free access to all places and premises where he suspects that any provision of this act is violated, and on tender of the market price of good vinegar therefor, he may take from any person, firm, or corporation, samples of vinegar which he suspects of being made or sold in violation of this act; and he may himself analyze such samples, or have such samples analyzed by any State chemist, or by the Experiment Station; and a sworn or affirmed certificate by such analyst shall be *prima facie* evidence of the ingredients and constituents of the sample analyzed; and if such analysis shall show that such sample does not conform to any requirement of this act, and shall give the Dairy Commissioner reasonable ground for the belief that any provision of this act has been violated, he shall make complaint to the proper prosecuting officer, to the end that the violator may be prosecuted.

SEC. 5. *Refusing to give samples; penalty.* Any person refusing the Dairy Commissioner access, in a reasonable manner and at a reasonable time, for said purpose of examination, or refusing to sell samples, as hereinbefore provided, shall be fined not more than seven dollars or imprisoned not more than thirty-five days, or both. Evidence of any violation of this act shall be *prima facie* evidence of willful violation with knowledge.—*Approved, March 29, June 21, 1889. (Public Acts, 1889, ch. 60, pp. 34-35; as amended, 1889, ch. 234, p. 146; and further amended, 1897, ch. 67, p. 777.)*

#### WATER.

**2651.** *Defiling water for ice making; penalty.* Every person who shall put any thing or substance into any waters from which ice is procured for consumption which shall defile, pollute, or injure the quality of said ice; or who shall willfully or maliciously throw any stone or other material into such waters or upon the ice with intent to injure the quality of the ice or obstruct the cutting or gathering of the same, shall be fined not more than thirty dollars or imprisoned not more than thirty days. But this section shall not affect the rights of any manufacturing establishment now existing, or hereafter established, to use any waters of the State in carrying on their business.

**2652.** *Dead animals, etc., in water supplies.* Every person who shall put or leave any dead animal or carcass in any pond, spring, or reservoir, the water of which is conveyed to any building, or who shall willfully put and leave in any of the waters of this State, any dead land animal, shall be fined not less than seven nor more than fifty dollars, or imprisoned not more than thirty days.

**2653.** *Defiling water sources.* Every person who shall put anything into any well, spring, fountain, cistern, or other place from which water is procured for drinking or other purposes, with the intent to injure the quality of said water, shall be fined not less than seven nor more than five hundred dollars, or imprisoned not more than six months.

**2654.** Repealed.

**2655.** *Contiguity of cemeteries and reservoirs.* No cemetery or place of sepulture shall hereafter be located or established within one-half mile of any reservoir from which the inhabitants of any town, city, or borough are supplied with water, nor shall such reservoir be located or established within one-half mile of any cemetery or place of sepulture, unless the Superior Court of the county wherein such cemetery or place of sepulture or reservoir is located shall, upon application and such notice

as it may deem proper, find that such cemetery or place of sepulture or such reservoir so proposed to be located is of public convenience and necessity, and will not be detrimental to the public health.

**2656.** *Injury to water reservoir by buildings, etc.* Whenever any land or building is so used, occupied, or suffered to remain, that it is a source of injury to the water stored in any reservoir used for supplying any town, city, or borough with water, or to any source of supply to any such reservoir, the authorities of such town, city, or borough having charge of said water, may bring their petition to the Superior Court in and for the county in which said town, city, or borough is located for relief; and said court upon such petition shall have full power as a court of equity to order the removal of any building, to enjoin any use or occupation of any land or building, which is detrimental to said water, or make any other order, temporary or permanent, which in its judgment may be necessary to preserve the purity of said water.

**2657.** *Compensation for condemned property.* In cases where the law requires compensation to be made to any person whose rights, interests, or property are injuriously affected by said orders, such court shall appoint a committee of three disinterested freeholders of the county who shall determine and award the amount to be paid by such authorities before such order is carried into effect.—*General Statutes 1888, pp. 580-581.*

---

**SEC. 1.** *Analysis of suspected waters.* Town, borough, and city health officers shall, when in their judgment health is menaced or impaired through any water supply, send, subject to the approval of the county health officer, samples of such water to the state board of health for examination and analysis, and the expense of such examination and analysis shall be paid out of the funds appropriated to said board to investigate the pollution of streams.

**SEC. 2.** *Sale of impure ice; penalty.* Every person who shall sell or offer to sell for family, hotel, boarding-house, restaurant, or saloon use, any ice cut or taken from any pond, lake, or stream other than a river, into which any sewer empties, or from such part of any river as is below and within two miles of the point where the discharge from any sewer enters such river, or any ice cut from any body or stream of water within two hundred feet from where any house drain enters such body or stream of water, or any ice cut from any body of water or stream, the water or ice from which has been condemned as unfit for use or dangerous to public health, by the town health officer of the town where such body of water or stream is located, or any ice which has been placed in a yard, building, or cart with ice taken from any of the foregoing sources, shall be fined fifty dollars, or imprisoned not more than sixty days, or both; provided, however, that any person aggrieved by any order issued or made by any town health officer under the provisions of this section shall have the right to appeal, within two weeks of the date of such order, in the manner provided for appeals from the orders of town health officers in chapter CCCXLVIII of the public acts of 1893.—*Approved June 20, 1899. (Public Acts, 1899, ch. 229, p. 1151.)*



## DELAWARE.

No officer is charged with the enforcement of these laws with the exception of the inspectors of breadstuffs and the board of agriculture, whose duties are given on pages 66 and 69:

### BREADSTUFFS.

SEC. 1. *Definition of "bushel."* When wheat, or Indian corn, is sold by the bushel, and there is no special agreement as to the measurement, or weight thereof, and bushel shall consist of sixty pounds of wheat and fifty-six pounds of corn.

SEC. 2. *Quality and size of receptacles for exportation.* All casks for the exportation of breadstuffs shall be made of good seasoned materials, well hooped and nailed, and shall be of the following sizes, viz: No. 1, 27 inches long,  $16\frac{1}{2}$  inches diameter at the head, and to contain 196 pounds; No. 2,  $22\frac{3}{4}$  inches long,  $12\frac{1}{2}$  inches diameter and to contain 98 pounds; and if any person shall export from New Castle county to any foreign port, or place beyond the United States, or shall sell for such exportation, any wheat flour, rye flour, or middlings of wheat, packed in casks made of unseasoned materials, or of other dimensions, or of less weight per cask, than these respectively, he shall forfeit and pay to the flour inspector forty cents per cask, and shall have remedy over for damages against the miller, or cooper, who furnished the same.

Indian corn meal, made from corn sufficiently kiln-dried shall be packed for exportation from New Castle county, or from Middleford, or Seaford, in Sussex county, to any foreign port, or any port in the United States where there are no inspection laws, in strong, tight hogsheads, made of good seasoned white, or red oak, well hooped and secured—the staves 41 inches long, 27 inches diameter at the head, and to contain 800 pounds net, or in casks 26 inches long,  $16\frac{1}{2}$  inches diameter, and to contain 196 pounds, or in half-barrels 22 inches long,  $12\frac{1}{2}$  inches diameter, and to contain 98 pounds, under the same penalty herein provided for flour; except that wheat flour, or kiln-dried Indian corn meal, may be exported in sacks, or packages if inspected and passed, and the same fees paid for inspection as in proportion for barrels.

SEC. 3. *Branding of receptacles for exportation.* Each miller shall brand, or mark, with his own name, or some name by which it may be distinguished as his, every cask, or hogshead, of breadstuff manufactured by him (for exportation), and mark the kind and quality, and weight, tare and net, under penalty of twenty cents for each cask, or hogshead, not branded, to any one who will sue for the same; and if any person shall mark a false weight, or wrong tare, to the disadvantage of the purchaser, he shall forfeit and pay to the inspector one dollar for each cask, or hogshead, so falsely branded.

SEC. 4. *Quality of wheat flour.* All wheat flour, manufactured for sale, or exportation, shall be merchantable, and of due fineness, without mixture.

SEC. 5. *Inspectors.* The governor shall appoint a flour inspector who shall reside in the city of Wilmington, and another who shall reside in or near Middleford, or Seaford, who shall appoint the necessary deputies. Each inspector, or deputy, shall be duly sworn, or affirmed, and shall hold his office for four years.

SEC. 6. *Inspection before exportation.* No person shall ship, or load, for exportation from New Castle county to any foreign port, or to any port in the United States

where there are no inspection laws, any superfine, or common flour, or middlings, or any rye flour, or Indian corn meal, before the same is duly inspected.

SEC. 7. *Details of inspection, costs, etc.* The inspector shall try the packing and quality, by boring and piercing; or, if necessary, by unpacking. If, on unpacking, the quantity be found insufficient, the miller shall pay all charges of packing and repacking, besides the penalty aforesaid; otherwise the inspector shall pay such charges, or the purchaser, if done at his request.

If the flour be "superfine," he shall stamp the plug with the letters "S. D.;" if inferior to superfine, but good merchantable common flour, he shall scratch and erase the superfine brand, and stamp the plug with the letters "C. D.;" if below that quality, he shall condemn the same as unfit for exportation, and shall mark it with a circle and cross in red chalk. "Middlings," "fine rye flour," "rye flour," and "kiln-dried corn meal," shall be in like manner inspected and marked or condemned, and scratched, according to the quality thereof.

The fee for inspection shall be one cent for each cask, or barrel, and three cents for each hogshead, to be paid by the person exporting or intending to export the same, whether approved or condemned.

SEC. 8. *Disputed decisions.* In case of dispute concerning the inspection, any judge of the State shall, on application, appoint three proper triers to examine such breadstuff and report to him its quality and condition, and their report shall be final. If their report sustain the inspector, the other party shall pay the triers fifty cents each; if otherwise, the inspector shall pay them, and shall pass the breadstuff inspected as merchantable.

SEC. 9. *Obligations of inspectors; fines.* The inspector, or his deputy, shall, when required, go on board any vessel within ten miles of Wilmington, New Castle, or Port Penn, Middleford, or Seaford, to inspect more than fifty casks, under penalty of forfeiting thirty dollars to anyone who will sue for the same.

No such inspector, or deputy, shall deal in any flour by buying, selling, or bartering the same other than superfine flour, under penalty of forfeiting one hundred dollars.

SEC. 10. *False branding.* If any person shall falsely brand any breadstuff, after inspection with design to evade the inspection, or shall knowingly and fraudulently, ship the same with said false brand, he shall forfeit and pay one hundred dollars, and every cask, or hogshead, so falsely and fraudulently branded, shall be forfeited to the State, and may be seized by the inspector, or deputy, one-half to his own use; and if any person shall brand, or make the mark of the superfine, common, or middlings, on any cask of flour after it shall have been taken from the mills, and before it shall have been inspected and allowed as such by the inspector, such person shall forfeit and pay twenty cents to any person who will sue for the same.

SEC. 11. *Adulterated flour; inspection obligatory.* If any flour, branded "superfine" or "common," shall be found, on inspection, to contain corn meal, or other mixture and adulteration, it shall be forfeited to the State, and may be seized as aforesaid, one-half to the inspector's use.

In case of any seizure, he shall sell the same, after ten days' notice in one or more newspapers of the State, at public vendue; and shall pay over one-half the proceeds to the State treasurer within thirty days thereafter.

(That all superfine or common flour, middlings, rye flour, and Indian corn meal, offered for sale and sold for consumption in the City of Wilmington shall be first duly inspected, and any person violating the provisions of this act, shall pay to the flour inspector of the City of Wilmington, for the use of the State, the sum of five cents for each barrel, and ten cents for each hogshead of corn meal, middlings, or rye flour, so sold without inspection, to be recovered as like amounts are by the laws of this State recoverable.)—*Revised Code, 1852-1893, pp. 542-544.*

SEC. 1. *Weight of flour or other grain meal to be put on bag or package.* That on and after the first day of April, 1899, after this act becomes a law, each and every bag, package, parcel, or box of flour or grain meal of any kind exposed or offered for sale to consumers in this State shall have marked or printed prominently, distinctly, and conspicuously thereon the correct and exact weight in avoirdupois of the flour or other grain meal contained in such bag, package, parcel, or box.

SEC. 2. *Violation; misdemeanor; penalty.* That on and after the first day of April aforesaid it shall be unlawful for any person or persons, firm or firms, corporation or corporations to offer or expose for sale any bag, package, parcel, or box of flour or any kind of grain meal unless the same has printed or marked thereon as aforesaid the exact and correct weight as aforesaid. Every person or firm or firms violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of twenty-five dollars, besides the cost of suits.

SEC. 3. *False weight; penalty.* That if on and after the first day of April aforesaid any person or persons, firm or firms, corporation or corporations shall print or mark the weight of flour or other grain meal on any such bag, package, parcel, or box as aforesaid falsely or incorrectly or in any way to deceive the public, such person or persons, firm or firms, corporation or corporations shall, upon conviction thereof, forfeit and pay a fine of twenty-five dollars, besides the costs of suit.—*Approved February 23, 1899. (Laws of Delaware, 1899, vol. 21, p. 440.)*

#### BUTTER.

SEC. 1. *Sale of imitation butter.* No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream of the same; provided, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

But when any person exposes for sale in this State oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, such person shall have conspicuously upon or across the surface of the exposed contents of every open tub, package or parcel thereof a placard with the words "oleomargarine," "butterine" or whatever the name of the contents of the package may be, printed thereon in plain, uncondensed Gothic letters not less than one inch long.

If any person shall violate any of the provisions of this section he shall be deemed guilty of a misdemeanor and be punishable in the Court of General Sessions of the Peace and Jail Delivery as hereinafter provided.

SEC. 2. *Sampling of suspected products, their analysis, etc.* That if any person shall make complaint in writing, verified by oath or affirmation, before any justice of the peace alleging that the complainant has probable cause to suspect, and does suspect and believe that any other person by himself, or his agents or servants, has rendered or manufactured, sold, offered or exposed for sale, or has in his possession with intent to sell any article, product or compound made as aforesaid, in imitation of yellow butter produced as aforesaid, and shall in said complaint describe such article, product or compound as particularly as may be, and designate the house or place where complainant suspects and believes such article, product or compound is, and the name of the person suspected as aforesaid, thereupon such justice of the

peace may within the limits of his jurisdiction issue his warrant to search such house or place. Such warrant shall be directed to any officer or to any other person by name for service, and shall recite the essential facts alleged in the complaint, and the officer or other person to whom it shall be directed for service as aforesaid shall proceed thereunder as follows:

He may enter the house or place designated and if he shall find therein what he believes to be any article, product or compound made as aforesaid in imitation of yellow butter produced as aforesaid, he shall take therefrom a sample or samples thereof for the purpose of having the same analyzed or tested as hereinafter provided, and to obtain such sample or samples such officer or other person to whom such warrant shall be directed as aforesaid may open any can, vessel or package by him believed to contain such imitation article, product or compound and take therefrom the sample or samples for the purpose aforesaid. The said officer or other person to whom such warrant shall be directed as aforesaid when so taking a sample or samples of such alleged imitation article, product or compound as aforesaid, shall then and there divide said sample into two parts as nearly equal as may be, wrap said packages in separate packages, then and there seal the same and offer one of said parts to the person in whose custody the said article was when taken, with a written notice of the time, place and date, when and where said sample was so taken and that it was taken for the purpose of analyzing or testing it. The other part of said sample shall, together with a copy of the written notice last above mentioned, be delivered by said officer, or other person to whom said warrant shall be directed as aforesaid, to the State Chemist, who shall cause the same to be analyzed or otherwise satisfactorily tested, the result of which analysis or test he shall record and preserve as evidence.

That the said officer or other person to whom said warrant shall be directed as aforesaid shall, within one week next ensuing such delivery to the State Chemist as aforesaid, return said warrant with his proceedings thereunder and his cost and actual expenses endorsed thereon to the said justice of the peace, the said costs to correspond in amount as nearly as may be with the costs to which an officer serving a search warrant would thereby be entitled to.

The said sample having been delivered to the State Chemist as aforesaid, he shall with all convenient speed analyze or test the same, and upon the completion thereof shall forward to the attorney-general a certificate of the result thereof, duly verified by oath or affirmation, and such certificate so verified shall be admitted as evidence before the grand or petit juries in any prosecutions under this act.

SEC. 3. *Penalty.* That if any person shall be convicted of a violation of any of the provisions of Section 1 of this act he shall forfeit and pay to the State of Delaware a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or be imprisoned for a term not exceeding one year, and shall pay the cost of prosecution, among which shall be taxed the costs of the said justice of the peace and the costs and actual expenses endorsed upon said warrant and the charge of the State Chemist, whose charge shall not in any one case exceed the sum of twenty dollars. In case of failure to convict, the charge of the State Chemist and the costs of said justices of the peace and the costs and actual expenses endorsed upon said warrant as aforesaid shall be paid by the county in which the prosecution is conducted; provided, that the amount of money so to be paid by any county shall not exceed in any one year the sum of two hundred dollars.—*Laws of 1895, chap. 209, pp. 274-277 as amended in Laws of 1901, chap. 161, p. 247.*

## CANDY.

SEC. 1. *Injurious adulteration of candy.* No person or corporation shall, by himself or itself, or by his or its servants or agents, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell, or offer to sell, any

candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors, or flavors, or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalty.* Any person, company, firm, or corporate body who shall manufacture, sell, or offer, or expose for sale, or have in his, her or its possession, with intent to sell, any candy, the manufacture and sale of which is prohibited by the first section of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall forfeit and pay a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100).

The candy so adulterated shall be forfeited and destroyed under the direction of the attorney general.—*Laws of 1899, ch. 267, p. 436.*

#### FRUIT.

SEC. 22. *Fruit packages.* The said Board of Agriculture shall have power to compel all growers of fruit to stamp or mark the baskets, boxes, packages, crates, parcels, or other receptacle used by them for the shipment of any fruit or fruits with his or her or their name or names, initial or initials, or with some distinguishing device or mark which may be readily and easily read and seen on the same, and said Board may adopt rules and regulations to carry this into effect.

If any grower of any fruit or fruits shall neglect or fail, after ten days' notice by said Board, to comply with the provisions of this section, he or she or they shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of five dollars.—*Approved March 9, 1901. Laws of Delaware, vol. 21, ch. 216, as amended by vol. 22 (1901), ch. 101, p. 160.*

## DISTRICT OF COLUMBIA.

The health officer is authorized to enforce the food and drug laws of the District of Columbia. He is assisted by a chemist and a staff of inspectors.

### GENERAL FOOD LAWS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person within the District of Columbia shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food or drugs with any ingredient or material so as to render the article injurious to health, or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance with the intent that the same may be sold in the said District, and no person shall sell in the District of Columbia any such article so mixed, colored, stained, powdered, or manufactured. Any person violating this section shall be guilty of a misdemeanor, and for each offense be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 2. *Quality and potency of drugs.* That no person shall, within the District of Columbia, except for the purpose of compounding as hereinafter described, mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any drug with any ingredient or material so as to affect injuriously the quality or potency of such drug, with intent that the same may be sold in the said District of Columbia, and no person shall sell any such drug so mixed, colored, stained, or powdered under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

SEC. 3. *Ignorance of adulteration.* That no person shall be liable to be convicted under either of the two last foregoing sections of this act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, colored, stained, or powdered, as in either of those sections mentioned, and that he could not, with reasonable diligence, have obtained that knowledge.

SEC. 4. *Fraudulent additions or alterations.* That no person shall sell in the District of Columbia any article of food or drug which is not of the nature, substance, and quality of the article demanded by any purchaser, and any person violating this section shall be guilty of a misdemeanor, and for the first offense be fined not exceeding fifty dollars, and for each subsequent offense not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court: *Provided,* That an offense shall not be deemed to be committed under this section in the following cases, that is to say:

First. Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof.

Second. Where the drug or food is a proprietary medicine.

Third. Where the food or drug is compounded as authorized by this act.

Fourth. Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

SEC. 5. *Ingredients must be in accordance with purchaser's demand.* That no person shall sell in the District of Columbia any compound article of food or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser. Any person violating this section shall be guilty of a misdemeanor and fined not exceeding fifty dollars: *Provided*, That no person shall be guilty of any such offense as aforesaid in respect of the sale of an article of food or a drug mixed with any matter or ingredient not injurious to health, and not intended, fraudulently, to increase its bulk, weight, or measure, or conceal its inferior quality, if at the time of delivering such article or drug he shall supply to the person receiving the same a notice, by a label, distinctly and legibly written or printed on or with the article or drug, to the effect that the same is mixed.

SEC. 6. *Subtraction of ingredients.* That no person shall, in the District of Columbia, with the intent that the same may be sold in its altered state without notice, subtract from any article of food any part of it so as to affect injuriously its quality, substance, or nature, and no person shall sell any article so altered without making disclosure of the alteration, and any person violating the provisions of this section shall be guilty of a misdemeanor and fined not exceeding one hundred dollars.

SEC. 7. *Must prove conditions under proviso (Sec. 5).* That in any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon proviso contained in this act, it shall be incumbent upon him to prove the same.

SEC. 8. *Dealer ignorant of adulteration.* That if the defendant in any prosecution under this act prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

SEC. 9. *Forging of warranty.* That any person who shall forge, or shall alter knowing it to be forged, any certificate or any writing purporting to contain a warranty, as provided in section eight of this act, shall be guilty of a misdemeanor and be punishable, on conviction, by imprisonment for a term not exceeding one year with hard labor.

SEC. 10. *False or misapplied warranties.* That every person who shall willfully apply to any article of food or a drug a certificate or warranty given in relation to any other article or drug, or who shall give a false warranty in writing to any purchaser in respect of an article of food or a drug sold by him as principal or agent, or who shall willfully give a label with any article sold by him which shall falsely describe the article sold, shall be guilty of a misdemeanor, and on conviction be fined not to exceed one hundred dollars.

SEC. 11. *Chemist.* That the analysis provided for in this act shall be under the control of the Commissioner of Internal Revenue under such rules and regulations as may be prescribed by the Secretary of the Treasury.

SEC. 12. *Demands for analyses.* That any purchaser of an article of food or of a drug in the said District shall be entitled to have such article analyzed by such analyst, and to receive from him a certificate of the result of his analysis. And any health officer, inspector of nuisances, or any food inspector may procure any sample of food or drug, and if he suspects the same to have been sold to him contrary to any provision of this act, he shall submit the same to the Commissioner of Internal Revenue to be analyzed, who shall with all convenient speed cause such analysis to be made and give a certificate to such officer, wherein he shall specify the result of the analysis.

SEC. 13. *Purchase of samples for analysis.* That if any officer mentioned in section twelve of this act shall apply to purchase any article of food or any drug exposed to sale or on sale by retail on any premises or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be guilty of a misdemeanor and fined for each offense not exceeding fifty dollars.

SEC. 14. *Definitions.* That the term "food," as used in this act, shall include every article used for food or drink by man other than drugs or water. The term "drug," as used in this act, shall include all medicines for internal and external use.

SEC. 15. *Previous "butter" laws unaffected.* That nothing in this act shall be construed as modifying or repealing the provisions of chapter eight hundred and forty of the acts of the first session of the Forty-ninth Congress, entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August sixth,<sup>a</sup> eighteen hundred and eighty-six.

SEC. 16. *Exemption of certain articles.* That the Commissioner of Internal Revenue may from time to time declare certain articles or preparations to be exempt from the provisions of this act; and it shall be the duty of the Commissioners of the District to prepare and publish from time to time a list of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with this section.—*Approved October 12, 1888.*

---

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall, within the District of Columbia, by himself or by his servant or agent, or as the servant or agent of any other person, sell, exchange, or deliver, or have in his custody or possession with the intent to sell or exchange, or expose or offer for sale or exchange, any article of food or drug which is adulterated within the meaning of this act.

SEC. 2. *"Food" and "drug" defined.* That the term "drug," as used in this act, shall include all medicines for external or internal use, antiseptics, disinfectants, and cosmetics. The term "food," as used herein, shall include confectionery, condiments, and all articles used for food or drink by man, and if there be more than one quality of any article of food or drug known by the same name the best quality thereof shall be furnished to the purchaser, unless he otherwise requests at the time of making such purchase, or unless he be notified at such time of the inferior quality of the article delivered.

SEC. 3. *Adulteration defined.* That an article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs: First, if, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down in the edition thereof at the time official; second, if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in the German, French, or English Pharmacopœia, it differs from the strength, quality, or purity laid down therein; third, if, when sold as a patented medicine, compounded drug, or mixture, it is not composed of all of the ingredients advertised or printed or written on the bottles, wrappers, or labels of or on or with the patented medicine, compounded drug, or mixture: *Provided,* That if the defendant in any prosecution under this act, in respect to the sale of any such patented medicine, compounded drug, or mixture, shall prove to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and

---

<sup>a</sup> So in original Act was approved August *second*, 1886. The act referred to is given on page 7, and following.



quality as that demanded of him by the purchaser, and with a written warranty to that effect; that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.

(b) In the case of food: First, if any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength; second, if an inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable constituent has been wholly or in part abstracted from it; fourth, if it is an imitation of or is sold under the name of another article; fifth, if it consists wholly or in part of a deceased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not; sixth, if it is colored, coated, polished, or powdered whereby damage is concealed, or if it is made to appear better or of greater value than it really is; seventh, if it contains any added poisonous ingredient or any ingredient which may render it injurious to the health of a person consuming it; eighth, in the case of milk, if it contains less than three and one-half per centum of fat, less than nine per centum of solids not fat, and contains more than eighty-seven and one-half per centum of water; in the case of cream, if it contains less than twenty per centum of butter fat; ninth, in the case of butter or cheese, if it is not made exclusively from milk or cream, or both, with or without common salt; the butter, if it contains more than twelve per centum of water, more than five per centum of salt, and less than eighty-three per centum of fat; tenth, in the case of coffee, if it is not composed entirely of the seed of the *Coffea arabica*; eleventh, in the case of lard, if it is not made exclusively from the rendered fat of the healthy hog; twelfth, in the case of tea, if it is not composed entirely of the genuine leaf of the tea plant not exhausted; thirteenth, in the case of all kinds of vinegar, if it contains an acidity equivalent to the presence of less than four per centum of absolute acetic acid; and cider vinegar, if it is not made from the pure apple juice and contains less than one and five-tenths per centum of total solids; fourteenth, in the case of cider, if it is not made from the legitimate product of pure apple juice; in the case of wines and fruit juices, if not made from the pure fruit as represented; and in the case of cider, wines, fruit juices, and malt liquors, if not free from salicylic acid or other preservatives; and in the case of malt liquors, if not free from picric acid, *coculus indicus*, *colchicine*, *colocynth*, aloe, and wormwood; fifteenth, in the case of glucose, if it contains more than five one-hundredths per centum of ash; sixteenth, in the case of flour, if it is not composed entirely of one single ground cereal; seventeenth, in the case of bread, if there is any addition of alum, sulphate of copper, borax, or sulphate of zinc, or other poisonous or harmful ingredient, and if it contains more than thirty-one per centum of moisture, more than two per centum of ash, and less than six and twenty-five one-hundredths per centum of albuminoids; eighteenth, in the case of olive oil, if it is not made exclusively from the olive berry (*Olea europæa*), and its specific gravity at fifteen and six-tenths degrees centigrade (sixty degrees Fahrenheit) "actual density" to be not more than nine hundred and seventeen one-thousandths nor less than nine hundred and fourteen one-thousandths: *Provided*, That an offense shall not be deemed to be committed under this section in the following cases, that is to say, first, where the order calls for an article of food or drug inferior to such standard, or where such difference is made known by being plainly written or printed on the package; second, where the article of food or drug is mixed with any matter or ingredient not injurious to health and not intended fraudulently to increase its bulk, weight, or measure or conceal its inferior quality, if at the time such article is delivered to the purchaser it is made known to him that such article of food or drug is so mixed.

SEC. 4. *Duty of health officer in enforcing law.* That it shall be the duty of the health officer of the District of Columbia, under the direction of the Commissioners of said District, to adopt such measures as may be necessary to facilitate the enforcement

hereof, and prepare rules and regulations with regard to the proper method of collecting and examining drugs and articles of food in said District.

SEC. 5. *Duty of health officer in investigating complaints.* That it shall be the duty of the health officer to investigate a complaint for a violation of any of the provisions of this act on the information of any person who lays before him satisfactory evidence by which to substantiate such complaint.

SEC. 6. *Purchase of samples for analysis.* That every person offering for sale or delivering to any purchaser any drug or article of food included in the provisions of this act shall furnish to any analyst or other officer or agent of the health department, who shall apply to him for the purpose and shall tender him the value of the same, a sample sufficient for the purpose of analysis of any such drug or article of food which is in his possession.

SEC. 7. *Duplicate samples.* That in all cases where any drug or article of food shall be taken as a sample to be examined and analyzed the person making the analysis shall reserve a portion of the sample, which shall be sealed, for a period of thirty days from the time of taking such sample, and in case of a complaint the reserved portion alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney.

SEC. 8. *Interference.* That no person shall hinder, obstruct, or in any way interfere with any inspector, analyst, or other person of the health department in the performance of his duty in carrying out the provisions of this act.

SEC. 9. *Prosecutions and penalty.* That all prosecutions under this act shall be in the police court of said District, on information brought in the name of the District of Columbia, and on its behalf; and any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than one hundred dollars.

SEC. 10. *Previous legislation.* That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed: *Provided*, That nothing in this act contained shall be construed as modifying or repealing any of the provisions of "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August second, eighteen hundred and eighty-six, or of "An act defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of 'filled cheese,'" approved June sixth, eighteen hundred and ninety-six.—*Approved, February 17, 1898.*

---

SEC. 879. *Forging or imitating labels.* Whoever willfully forges or counterfeits or makes use of any imitation calculated to deceive the public, though with colorable difference or deviation therefrom, of the private brand, wrapper, label, trade-mark, bottle, or package usually affixed or used by any person to or with the goods, wares, merchandise, preparation, or mixture of such person, with the intent to pass off any work, goods, manufacture, compound, preparation, or mixture as the manufacture or production of such person which is not really such, shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.—*U. S. Statutes at Large, 1899-1901, p. 1333.*

#### CANDY.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person or corporation shall, by himself, his servant, or agent, or as the servant or agent of any other person or corporation, manufacture for sale or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalty.* That any person or corporation convicted of violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

SEC. 3. *Duty of prosecuting attorneys.* That it is hereby made the duty of the prosecuting attorneys of the District of Columbia to appear for the people and to attend to the prosecution of all complaints under this act in all the courts of said District.—*Approved, May 5, 1898.*

## MILK.

*Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act no person shall, within the District of Columbia, keep or maintain a dairy or dairy farm without a permit so to do from the health officer of said District; application for said permit shall be made in writing, upon a form prescribed by said health officer: *Provided,* That no applicant for said permit shall be restrained from conducting business until said application has been acted upon by the health officer of the District of Columbia or his duly appointed agent. It shall be the duty of said health officer, upon receipt of said application in due form, to make or cause to be made an examination of the premises which it is intended to use in the maintenance of said dairy or dairy farm; if after such examination said premises are found to conform to the regulations governing dairies and dairy farms within the District of Columbia, said health officer shall issue the permit hereinbefore specified, without charge: *Provided,* That said permit may be suspended or revoked at any time, without notice, by said health officer whenever the milk supply from said dairy or dairy farm is exposed to infection by Asiatic cholera, anthrax, diphtheria, erysipelas, scarlet fever, smallpox, splenic fever, tuberculosis, typhoid fever, typhus fever, or yellow fever, so as to render its distribution dangerous to public health.

SEC. 2. *Dairymen must hold permits from health officer.* That no person shall bring or send into the District of Columbia for sale any milk without a permit so to do from the health officer of said District; application for said permit shall be made in writing, upon a form prescribed by said health officer and shall be accompanied by such detailed description of the dairy farm or dairy where said milk is produced or stored as said health officer may require, and by a sworn statement as to the physical condition of the cattle supplying said milk: *Provided,* That no applicant for said permit shall be restrained from conducting business until said application has been acted upon by the health officer of the District of Columbia or his duly appointed agent. If after examination of said application said health officer is satisfied that said milk will be brought into the District of Columbia for sale or consumption without danger to public health, he shall issue, without charge to the applicant, a permit so to do, on condition that none but pure and unadulterated milk shall be, with knowledge of its impurity, brought into said District; that in the management of said dairy or dairy farm said applicant shall be governed by the regulations of the health office of the District of Columbia, approved by the Commissioners of the District of Columbia, issued for dairies and dairy farms in said District, when said regulations do not conflict with the law of the State in which said dairy or dairy farm is located, and that said dairy or dairy farm may be inspected at any time without notice by the health officer of the District of Columbia or his duly appointed representative: *Provided,* That said permit may be suspended or revoked at any time without notice by said health officer, whenever the milk supply from said dairy or dairy farm is exposed to infection by Asiatic cholera, anthrax, diphtheria, erysipelas, scarlet fever, smallpox, splenic fever, tuberculosis, typhoid fever, typhus fever, or yellow fever, so as to render its distribution dangerous to public health.

SEC. 3. *Contagious diseases about dairy.* That no person suffering from, or who has knowingly, within a period specified by the health officer of the District of Columbia, been exposed to diphtheria, scarlet fever, erysipelas, smallpox, anthrax, or other dangerous contagious disease, shall work or assist in or about any dairy or dairy farm; no proprietor, manager, or superintendent of any dairy or dairy farm within the District of Columbia shall knowingly permit any person suffering, or exposed as aforesaid, to work or assist in or about said dairy or dairy farm.

SEC. 4. *Signs on wagons.* That all milk wagons shall have the name of the owner, the number of permit, and the location of dairy from which said wagons haul milk, painted thereon plainly and legibly.

SEC. 5. *Signs in store of dealers.* That all grocers, bakers, and other persons having or offering for sale milk shall at all times keep the name or names of the dairymen from whom the milk on sale shall have been obtained posted up in a conspicuous place wherever such milk may be sold or kept for sale.

SEC. 6. *Unwholesome products.* That no person shall offer or have for sale in the District of Columbia any unwholesome, watered, or adulterated milk, or milk known as swill milk, or milk from cows that are fed on swill, garbage, or other like substance, nor any butter or cheese made from any such milk.

SEC. 7. *Percentage of water.* That no person shall knowingly offer or have for sale any milk containing more than eighty-eight per cent of watery fluid and less than twelve per cent of total milk solids, of which at least three per cent shall be of fat.

SEC. 8. *Percentage of milk solids.* That no person shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange, or deliver, skimmed milk containing less than nine and three-tenths per cent of milk solids, inclusive of fat.

SEC. 9. *Skimmed milk.* That no dealer in milk, and no servant or agent of such a dealer, shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream, or any part thereof, has been removed, unless in a conspicuous place, above the center or upon the outside of every vessel, can, or package thereof, in which milk is sold, the words "skimmed milk" are distinctly marked in gothic letters, not less than one inch in length.

SEC. 10. *Condition of cow.* That it shall not be lawful for any person or persons to sell or offer for sale, within the District of Columbia, milk taken from any cow less than fifteen days before or ten days after parturition, or from any cow which is known to be suffering from tuberculosis, splenic fever, anthrax, or any general or local disease which is liable to render the milk from said cow unwholesome.

SEC. 11. *Sanitary precautions in dairies.* That it shall be the duty of the health officer of the District of Columbia, under direction of the Commissioners of said District, to make and enforce regulations to secure proper water supply, drainage, ventilation, air space, floor space, and cleaning of all dairies and dairy farms within said District; to secure the isolation of cattle suffering from any contagious disease, and to carry into effect the provisions of this act.

SEC. 12. *Inspection.* That the health officer of the District of Columbia, or his duly appointed assistants, shall have the right to enter without previous notice, for the purpose of inspection, any dairy or dairy farm within said District.

SEC. 13. *Sampling and analysis.* That in all cases of sampling, in the District of Columbia, milk taken for analysis shall be taken, examined, and analyzed in the presence of at least two witnesses, one of whom may be the owner of the milk or his agent; and in all cases such sampling shall be made according to the Babcock method, to wit, dumping the milk from one can to another not less than twice before sampling.

SEC. 14. *Penalty.* That prosecutions under this act shall be in the police court of said District, on information signed by the attorney of the District or one of his

assistants, and any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished for the first offense by a fine of not less than five dollars nor more than twenty-five dollars, to be collected as other fines and penalties, or by imprisonment in the workhouse for a period of not more than thirty days, and for the second offense and each subsequent offense, by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the workhouse for ninety days, or by both such fine and imprisonment, in the discretion of the court, and if the person so convicted of a second or subsequent offense hold a permit under this act, the same shall be canceled and no permit shall be issued to said person for a period of six months: *Provided*, That any person or persons under this act shall have the privilege, when demanded, of a trial by jury as in other jury cases in the police court.

SEC. 15. That all laws and parts of laws inconsistent with the foregoing be, and the same are hereby, repealed.—*Approved March 2, 1895.*

## REGULATIONS OF THE BOARD OF HEALTH.

### GENERAL.

*Be it ordained and enacted by the board of health of the District of Columbia*, That no person shall knowingly sell, or cause to be sold, within the District of Columbia, any impure, diseased, decayed, or unwholesome provisions, nor shall any person fraudulently adulterate, for the purpose of sale within said District, any bread or other material intended to be used for food with any substance of a poisonous character, or any substance injurious to health; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

SEC. 2. *Injurious adulteration of drinks.* That no person shall offer for sale within the District of Columbia any liquor used for drink, whether malt, vinous, or ardent, or the milk of cows or goats, intended to be used for food or drink, which has been adulterated with any poisonous or deleterious ingredient; and any person violating the provisions of this section, shall, upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

SEC. 3. *Unwholesome provisions.* That no person shall convey into the District of Columbia, and offer for sale in any part of said District, any animal or part of animal that may be sickly, diseased, or unwholesome, or which may have died from disease or accident, or any fish or vegetables not fresh, sound, and fit for food; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

SEC. 4. *Diseased cattle.* That no person shall slaughter any cattle for the purpose of sale as food within the District of Columbia when such cattle are in a feverish or diseased condition; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

SEC. 5. *Poisonous edibles.* That no person, whether owner, manager, keeper of, agent, bartender, or clerk, in any saloon, restaurant, boarding house, or eating house, located within the District of Columbia, shall offer for sale as food or drink anything poisonous or unwholesome; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

SEC. 6. *Uncleanly market stalls, etc.* That no person owning, renting, leasing, or occupying any stall, room, or stand where meats or vegetables are sold for food

within the District of Columbia shall fail to keep said stall, room, or stand in a cleanly condition; nor shall such person allow said meats or vegetables to become poisoned, or infected, or unfit for food by reason of uncleanly condition of such stall, room, or stand; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than ten nor more than twenty-five dollars for each and every such offense.

SEC. 7. *Dairy products.* That no person shall offer for sale within the District of Columbia any unwholesome, watered, or adulterated milk, or swill milk, or milk from cows kept up and fed on garbage, swill, or other deleterious substance; nor shall any person offer for sale within said District any butter or cheese made from such unwholesome milk; and any person violating the provisions of this section, shall, upon conviction, be punished by a fine of not less than five nor more than twenty dollars for each and every such offense.

SEC. 8. *Unsound meat.* That on and after the passage of this ordinance it shall be unlawful for any person or persons to sell or expose for sale within the District of Columbia any unsound, blown, or unwholesome meat or other article of food, under a penalty of not less than five nor more than twenty-five dollars for each and every such offense.

SEC. 9. *Slaughter of sheep.* No person shall sell or offer for sale in the District of Columbia any sheep or lamb slaughtered for food, until the pelt, head, and feet thereof shall have been removed; any person violating any of the provisions of this section shall upon conviction thereof be punished by a fine of not less than one dollar nor more than twenty-five dollars for each and every such offense.

SEC. 10. *Toxic substances cast on highways; penalty.* No person shall throw, cast, deposit, drop, scatter, or leave, or cause to be thrown, cast, deposited, dropped, scattered, or left upon any public highway or place in the District of Columbia any medicinal or toxic substance, either in package or in bulk, except officers, employees, or agents of the United States or of the District of Columbia distributing such materials for the purpose of disinfecting or cleaning. Any person violating any of the provisions of this section shall upon conviction thereof be punished by a fine of not less than five dollars nor more than twenty-five dollars for each and every such offense.

SEC. 11. *Toxic substances cast on premises; penalty.* No person shall throw, cast, deposit, drop, scatter, or leave any medicinal or toxic substance, in package or in bulk, or cause any such substance to be thrown, cast, deposited, dropped, scattered, or left in or upon any premises in the District of Columbia without the consent of the owner or occupant of such premises, except officers, employees, or agents of the District government lawfully engaged in the disinfection of such premises. Any person violating any of the provisions of this section shall upon conviction thereof be punished by a fine of not less than five dollars nor more than twenty-five dollars for each and every such offense.

#### DAIRIES.

#### OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,

Washington, July 31, 1897.

*Ordered:* That the following regulations made by the health officer of the District of Columbia, pursuant to the requirements of section 11 of "An act to regulate the sale of milk in the District of Columbia, and for other purposes," approved March 2, 1895, in lieu of the regulations on the same subject made and approved June 26, 1895, are hereby approved.

SEC. 1. *Ventilation, etc.* No building or space shall be used for dairy purposes which is not well lighted and ventilated, which is not provided with a suitable floor; and, if such room or space be a cellar or subcellar, or be located in a cellar or subcellar, which is not properly concreted, guttered, and drained.

SEC. 2. *Sanitation.* No dairy shall be located or maintained within any kitchen,

wash room, workshop, or inhabited room, nor in proximity to any water-closet, privy, cesspool, or urinal, nor in any room or space which is not of such size and construction as to permit the entire separation of all milk and milk products, both in the process of handling and storing the same, from all probable sources of contamination, either by dirt, noxious gases, infective organisms or substances or anything liable to alter unnecessarily the quality of such milk or milk products.

SEC. 3. *Milk receptacles.* Every person maintaining a dairy shall provide for the use thereof, and shall use, a sufficient number of receptacles, made of nonabsorbent material, for the reception, storage, and delivery of milk, and shall cause them to be kept clean and wholesome at all times; and having delivered any such receptacle to a consumer shall not again use the same for the reception, storage, or delivery of milk or cream in any form until it has been, to his personal knowledge, properly cleaned after such use.

SEC. 4. *Water.* Every person maintaining a dairy shall provide for the use thereof a supply of pure and suitable water, sufficient for the proper washing of all cans, bottles, and appliances.

SEC. 5. *Cleanliness.* Every person maintaining a dairy shall keep the same and all appurtenances thereto clean and wholesome at all times, and shall change the water in the coolers at least once each day.

SEC. 6. *Stabling of cows.* No building shall be used for stabling cows for dairy purposes which is not well lighted, ventilated, drained, and constructed, or which is not provided with stalls or with proper stanchions for anchoring the cows so arranged as to allow not less than three and one-half feet width of space for each milch cow; or which is not provided with good and sufficient facilities for feeding the animals in a cleanly manner; or which contains less than six hundred cubic feet clear space for each cow, unless the use of such building for stabling cows for dairy purposes has been authorized prior to the promulgation of these regulations, in which case it shall contain not less than five hundred cubic feet clear air space for each cow.

SEC. 7. *Sanitation of stables.* No room shall be used for stabling cows for dairy purposes which contains any water-closet, privy, cesspool, urinal or manure pit, nor shall any fowl, hog, horse, sheep, or goat be kept in any room used therefor.

SEC. 8. *Drinking water for cows.* Every person using any premises for keeping cows for dairy purposes shall, when so directed by the health officer, erect and maintain in the stable, stall, shed, or yard connected therewith one or more proper receptacles for drinking water for such cows, and shall keep the same supplied with clean, fresh water and none other.

SEC. 9. *Premises.* Every person using any premises for keeping cows for dairy purposes shall keep the entire premises clean and in good repair, and the buildings well painted or whitewashed.

SEC. 10. *Removal of refuse.* Every person using any premises for keeping cows for dairy purposes shall cause the dung to be removed from the stables at least twice daily, and always within one hour preceding every milking of the cows; and shall not allow any accumulation of dung within the building occupied by the cows, but shall, whenever in the opinion of the health officer it is required by local conditions and surroundings, provide temporary storage for the same and for other refuse in a separate place, which shall be covered, and which, when so ordered by said health officer, shall be a water-tight receptacle.

SEC. 11. *Drainage.* Every person keeping cows for dairy purposes within the city of Washington or its more densely populated suburbs, or elsewhere in the District of Columbia, if, in the opinion of the health officer, local conditions require it, shall cause the inclosure in which such cows are kept to be graded and drained so as to keep the surface reasonably dry and to prevent the accumulation of water therein, except as may be permitted for the purpose of supplying drinking water; and shall not permit any garbage, urine, fecal matter or similar substance to be placed or to remain in such inclosure, nor any open drain to run through it.

SEC. 12. *Care of cows.* Every person keeping cows for the production of milk for sale shall cause them to be kept clean and wholesome at all times, and shall cause the teats and, if necessary, the udder to be carefully cleaned by brushing, washing, or wiping before milking, and shall cause each such cow to be properly fed and watered.

SEC. 13. *Storage of milk.* Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles, of nonabsorbent material, for the reception, storage, and delivery of milk, and shall keep them clean and wholesome at all times, and at milking time shall remove each receptacle, as soon as filled, from the stable or room in which the cows are kept; nor shall any milk or cream be stored or kept within any room used for stabling cows or other domestic animals.

SEC. 14. *Diseased cows.* It shall be the duty of every person having charge or control of any premises upon which cows are kept to notify the health officer of the District of Columbia of the existence of any contagious or infectious disease among such cows, by letter delivered or mailed, within twenty-four hours after the discovery thereof, and to thoroughly isolate any cow or cows so diseased or which may reasonably be believed to be infected, and to exercise such other precautions as may be directed, in writing, by said health officer.

SEC. 15. *Cleanliness of milkers.* Milkers and those engaged in the handling of milk or cream shall maintain strict cleanliness of their hands and persons while milking or while so engaged. It shall be the duty of every person holding a permit to maintain a dairy or dairy farm to enforce this regulation in reference to such persons as may assist them in the maintenance thereof.

SEC. 16. *Penalty.* That any person violating any of the foregoing regulations shall, on conviction thereof in the police court, be punished by a fine of not more than ten dollars for each and every such offense, to be collected as other fines and penalties are collected.

SEC. 17. *Repeal.* That the regulations for the government of dairies and dairy farms in the District of Columbia, promulgated June 26, 1895, are hereby repealed.

#### INSPECTORS.

*Be it ordained and enacted by the board of health of the District of Columbia,* That there shall be appointed by the board of health a health officer and such inspectors as may be required, who shall be assigned to the several duties of inspection of streets, of food, of live stock, of fish and other marine products, or detailed for the performance of such other duties as may be necessary.

SEC. 2. *Duty of health officer.* That it shall be the duty of the health officer, as he may be directed by this board, to execute or cause to be executed the ordinances, resolutions, and orders of the board, and generally, according to its instructions, to exercise a practical supervision in respect to inspectors, poundmasters, and the clerical force in his office; and said health officer shall devote his services to the aforesaid purposes as the board may direct.

SEC. 3. *Inspector of streets.* That it shall be the duty of each inspector of streets to visit every part of his district daily, and carefully inspect all streets, alleys, yards, and inclosures, horse and cow stables, privies, slaughterhouses, wharves, and every other place where offensive or deleterious matter may exist, and to report promptly to the health officer any and all nuisances injurious to health; and the inspectors of streets shall perform such other duties and special inspections as may be directed by the health officer.

SEC. 4. *Inspector of foods.* That it shall be the duty of each inspector of food to attend the market or markets within his inspection district every morning, at the



time when sales commence, and carefully inspect all meats, fowl, game, and vegetables offered for sale, and condemn, seize, and cause to be removed such as may be diseased or from any other cause rendered unfit for food. He shall also visit, as early as practicable each day, every green grocery or other place within his district where articles of food are kept for sale, and perform his duty of inspection, condemnation, seizure, and removal as hereinbefore prescribed. He shall report his official proceedings daily to the health officer, and in the performance of his duties shall be under the direction of said officer; and the inspectors of food shall perform such other duties and special inspections as may be directed by the health officer.

SEC. 5. *Inspector of live stock.* That it shall be the duty of the inspector of live stock to carefully inspect all cattle, hogs, sheep, or other animals intended to be killed and sold for consumption as food in the cities of Washington and Georgetown, and to condemn all such as may be diseased, or from any other cause rendered unfit for food; and it is hereby made the duty of said inspector to brand with the letter "C" all cattle, hogs, sheep, or other animals condemned as aforesaid, and said inspector shall report his official proceedings daily to the health officer.

SEC. 6. *Inspector of fish, etc.* That it shall be the duty of the inspector of fish and other marine products to examine and inspect all fish, oysters, clams, lobsters, and other marine products, landing by boat, arriving by rail, or otherwise brought by any person or persons into the cities of Washington and Georgetown; and if, upon such inspection, said inspector shall find any of the said marine products to be in an unsound, diseased, or unwholesome condition, it shall be his duty to prohibit their sale; and the said inspector of fish is hereby authorized, empowered, and directed to condemn, seize, and remove any unsound, diseased, or unwholesome fish, oysters, clams, lobsters, crabs, or other marine products which may be offered for sale as food within the cities of Washington and Georgetown.

SEC. 7. *Powers of fish inspector.* That in the performance of the duties herein prescribed the inspector of fish shall be, and is hereby, authorized and empowered to board all boats, vessels, steamboats, and cars, and to stop all vehicles believed by him to contain fish or other marine products, for the purpose of enforcing the provisions of this ordinance and said inspector shall report his official proceedings daily to the health officer.

SEC. 8. *Doubtful cases.* That upon any cattle, meat, birds, fowls, fish or other marine products, vegetables, or other articles of food being found by any inspector or other officer of the board of health in a condition which is, in his judgment, unwholesome and unfit for use as human food, or in a condition or of a quality forbidden by the ordinances of this board, but with respect to the quality and condition of which articles of food said inspector or other officer may be in doubt, he shall forbid the sale thereof, and order that the same be set aside, and shall at once notify the health officer of such action; and if, upon inspection, the health officer shall concur in the judgment of the inspector or other officer aforesaid, said health officer shall prohibit the sale and order the removal of said articles, according to the regulations of the board of health; and if the health officer shall not concur in the judgment of the inspector or other officer aforesaid, the sale of said article shall be allowed. But if, upon inspection, the health officer is in doubt as to whether said articles should be condemned or not, then the committee on food inspections of the board of health shall decide whether or not said articles shall be condemned and the sale thereof forbidden: *Provided*, That no article of food in a decayed or offensive condition shall be allowed to remain where found, but the same shall be caused to be removed forthwith by the inspector or officer aforesaid, according to the rules and regulations of the board of health.

SEC. 9. *Penalty for interference.* That any person who shall molest, hinder, or in any manner prevent said health officer or any inspector appointed by this board from performing any duty imposed upon him or them by the provisions of this ordinance shall be punished by fine of not less than twenty nor more than one hundred dollars for each and every such offense.

## FLORIDA.

The State has no officer whose duty it is to enforce its food and drug laws.

### GENERAL FOOD LAW.

**2659.** Whoever knowingly sells any kind of diseased corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred dollars.—*Revised Statutes, 1892, p. 830.*

**2710.** *False packing.* Whoever fraudulently puts in any barrel, bale of cotton, cask or other package of sugar, rice or pork, or any other article of provisions, any dirt, rubbish, or other thing, shall be punished by a fine not exceeding one thousand dollars.—*Approved February 10, 1832. Revised Statutes, 1892, p. 839.*

### ALCOHOLIC BEVERAGES.

**2664.** Whoever adulterates, for the purpose of sale, any liquor, used or intended for drink, with cocculus indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead or any other substance which is poisonous or injurious to health, and whoever sells any liquor so adulterated shall be punished by imprisonment in the State prison not exceeding three years, and the articles so adulterated shall be forfeited.—*Revised Statutes, 1892, p. 830.*

### BREAD.

**2660.** Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food, with any substance injurious to health, shall be punished by imprisonment not exceeding one year, or by fine not exceeding three hundred dollars, and the articles so adulterated shall be forfeited and destroyed under the direction of court.—*Revised Statutes, 1892, p. 830.*

### BUTTER.

**2662.** *Sale of substitutes.* Whoever knowingly and willfully sells or causes to be sold as butter any spurious preparation purporting to be butter, whether known as oleomargarine or by any other name, shall be punished by imprisonment not exceeding thirty days, or by fine not exceeding one hundred dollars.

**2663.** *Use of substitutes in hotels.* Any keeper of any hotel or boarding house who shall knowingly and willfully, without giving notice to guests at the table, supply oleomargarine or other spurious preparation purporting to be butter for the use of guests, shall be subject to the same penalty.—*Revised Statutes, 1892, p. 830.*

### CANDY.

**SEC. 1.** *Sale and manufacture of injurious candy.* No person, by himself, his servant or agent, or as the servant or agent of any other person or corporation, [shall] manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health.

**SEC. 2. *Penalty.*** Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars (\$100.00) nor less than fifty dollars (\$50.00). The candy so adulterated shall be forfeited and destroyed under direction of the court.

**SEC. 3.** This act shall take effect upon its passage and approval by the Governor.—*Approved June 4, 1897. (Acts of 1897, p. 77.)*

#### DRUGS.

**2668. *Adulteration of drugs.*** Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment not exceeding one year, or by a fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed under the direction of the court, and if the offender be a registered pharmacist his name shall be stricken from the register.—*Revised Statutes, 1892, p. 830.*

#### VEAL.

**2661.** Whoever kills or causes to be killed for the purpose of sale, any calf less than four weeks old and knowingly sells, or has in his possession with intent to sell, the meat of any calf killed when less than four weeks old, shall be punished by fine not exceeding two hundred dollars.—*Revised Statutes, 1892, p. 830.*

## GEORGIA.

No officer is charged with the enforcement of the food laws except in so far as the authority of the liquor inspectors extends. (See page 85.)

### GENERAL FOOD LAWS.

**3864.** *Suit for damages may be brought for injury resulting from unwholesome provisions.* A person who knowingly or carelessly sells to another unwholesome provisions of any kind, the defect being unknown to the purchaser, and damage results to the purchaser, or his family, or his property, such person shall be liable in damages for such injury.—*Code of Georgia, 1895, vol. 2, p. 889.*

**466.** *Unwholesome provisions.* Any person selling the flesh of a diseased animal, or other unwholesome provisions, shall be guilty of a misdemeanor.

**467.** *Unwholesome bread or drink.* Any person selling unwholesome bread, drink, or pernicious and adulterated liquor, knowing them to be so, shall be guilty of a misdemeanor.

**468.** *Sale of adulterated food or drink, without giving analysis.* If any person, in his own right, or as agent for another, shall willfully and knowingly sell or offer for sale any adulterated article of food or drink, unless the package or vessel containing the same has attached thereto a true analysis of the article therein contained, and notice thereof given to each purchaser, when such article may be offered for sale, that it is adulterated, he shall be guilty of a misdemeanor.—*Code of Georgia, 1895, vol. 3, p. 139.*

**1039.** *Penalty for a misdemeanor.* Every crime declared to be a misdemeanor is punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed six months, to work in the chain-gang on the public works, or on such other works as the county authorities may employ the chain-gang, not to exceed twelve months, and any one or more of these punishments may be ordered in the discretion of the judge: Provided, that nothing herein contained shall authorize the giving the control of convicts to private persons, or their employment by the county authorities in such mechanical pursuits as will bring the products of their labor into competition with the products of free labor.—*Code of Georgia, 1895, vol. 3, p. 292.*

### ALCOHOLIC BEVERAGES.

**476.** *Selling drugged liquors.* Any person who shall sell, or offer to sell, any liquor, wine or spirits, or vinegar, knowing the same to contain any strychnine or other poisonous drug, or offensive matter injurious to health by drinking or other use, or who shall sell or offer to sell the same after notice shall be given him as required by section 1532 of the Civil Code, shall be indicted in the superior court and be punished as for a misdemeanor.

**477.** *Evading inspection of liquors.* If any person shall refuse, or in any way prevent an inspector of liquors from making the examination and inspection required by law after a second demand made by such inspector, such person shall, upon indictment, be punished as in the preceding section: Provided, the inspector shall make the second demand in the presence of a competent witness, and prove the same by said witness on the trial.

**478. Manufacturing drugged liquors.** If any person shall manufacture any drugged, poisonous or other deleterious and offensive liquors, wine or spirits, or vinegar, or adulterate any liquor, wine or spirits, or vinegar, with poisonous material, he shall be indicted in the superior court, and punished as for a misdemeanor.

**479. Selling liquors without inspection.** When an inspector is appointed in any city or town, and due notice given of such appointment, any vender of liquors, in any quantity, who shall offer the same for sale before or without inspection, or a bona fide effort to have the same inspected, shall be punished as for a misdemeanor.—*Code of Georgia, 1895, vol. 3, p. 141.*

**1531. Inspector of liquors, etc., how appointed.** It shall be lawful for the several city and incorporated town authorities in this State to elect or appoint an inspector of liquors, spirits, and wines, and vinegar, within their respective jurisdictions, and the ordinaries of the several counties shall have the same authority of appointment within the several counties out of the jurisdiction of the city authorities.

**1532. Oath and duty of such inspector.** Such inspector, after being duly appointed as aforesaid, and sworn by the clerk of the council, or ordinary, faithfully to discharge the duties of inspector, shall examine and inspect all liquors, spirits, and wines, or vinegar, kept by any person within the jurisdiction of such inspector, for sale in any quantities, and if upon such inspection any such shall be found to contain any strychnine or other poisonous drug or drugs, or offensive matter injurious to health by drinking or other use, such inspector shall immediately give notice thereof to the owner, who shall immediately destroy the same in the presence of the inspector, or give bond and security to return the same to the person from whom he purchased without the limits of this State.

**1533. Fees of liquor-inspector.** Such inspector shall receive, unless other rates are prescribed by the authorities appointing him, from the owner of said liquor, wine, or spirits, or vinegar, for every ten gallons so inspected, five cents; for twenty gallons, ten cents; for forty gallons, fifteen cents; for eighty gallons, twenty cents; for one hundred and sixty gallons, twenty-five cents; and at the same rate and proportions upward for any number of gallons so inspected, and he shall, if required, give a receipt and certificate therefor, and shall brand the barrels, kegs, or pipes when the means are provided by the owners therefor, and he shall also receive one-half of all fine-moneys arising under conviction, which shall by no means disqualify him from being a witness for the State in cases of prosecution under any of the foregoing sections.

**1534. Inspection to be monthly.** Such inspection shall be performed once a month, or whenever called on so to do by seller or buyer. When by the latter, he pays the fees.—*Code of Georgia, 1895, vol. 1, p. 419.*

**449. Domestic wines defined, and counterfeiting them punished.** The term "domestic wine" shall mean wines made from berries, grapes, or other fruits grown in this State; and any person selling wines or liquids compounded from chemicals, drugs, or from anything else, except said berries, grapes or fruits, and claiming them to be, or offering them for, domestic wines, shall be guilty of a misdemeanor.—*Code of Georgia, 1895, vol. 3, p. 134.*

## CANDY.

**SEC. 1. Adulteration.** *Be it enacted by the General Assembly of the State of Georgia,* That no person shall, by himself, his servant, or agent of any other person or corporation, manufacture for sale, or knowingly sell, or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

**SEC. 2. Penalty.** *Be it further enacted,* That whoever violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction be punished as prescribed in Volume III., section 1039, Code of Georgia, 1895.—*Public Acts, 1896, d. 84.*

## DAIRY PRODUCTS.

**456. *Impure milk.*** No person, corporation or agent shall sell, or expose for sale, or deliver for domestic use, any unclean, impure, unwholesome, adulterated, or skimmed milk, or milk from which has been held back what is known as "strippings," or milk taken from an animal having disease, ulcers, or abscesses, or from an animal within less than fifteen days before, or less than five days after, parturition: *Provided*, That this section shall not apply to the sale of buttermilk, or to skimmed milk, when sold as such. Milk which is proven by any reliable test or analysis to contain less than three and one-half per centum of butter fat, shall be regarded as skimmed or partially skimmed milk.

**457. *Imitation butter and cheese defined.*** Every article, substance, or compound, other than that produced from pure whole milk, or cream from the same, made in the semblance of butter or of cheese, and designed to be used as a substitute for butter or cheese made from pure milk or cream from the same, is imitation butter or imitation cheese, as the case may be: *Provided*, The use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

**458. *Making, selling, etc., imitation butter or cheese, prohibited.*** No person shall, by himself or employee or agent, produce or manufacture or sell, or keep for sale or offer for sale, any imitation butter or imitation cheese made or compounded in violation of this Article, whether such imitation shall have been made or produced in this State or elsewhere; but nothing in this Article shall be construed to prohibit the manufacture and sale of imitation butter or imitation cheese under the regulations hereinafter provided, not manufactured or colored as herein prohibited.

**459. *Sale of imitation butter or cheese under pretense of genuineness.*** No person, by himself or agent or employee, shall sell, or offer for sale, any imitation butter or imitation cheese, under the pretense that it is genuine butter or genuine cheese. And no person, his agent or employee shall sell any such imitation, unless he shall notify the purchaser distinctly at the time of the sale that it is such imitation, and at the same time shall deliver to the purchaser a statement printed in black letters not smaller than 4-line pica, in the English language, that the article is imitation butter or imitation cheese, and give the name and address of its producer, and contain no other words.

**460. *Hotels, etc., using imitation butter and cheese must post signs.*** No keeper or proprietor of a bakery, hotel, boarding-house, saloon, restaurant, lunch-counter, or other place of public entertainment, or any employee or other person having charge thereof, or any person furnishing board for others than his own family, shall keep, use, or serve therein or elsewhere, either as food for his guests, boarders, patrons, customers or employees, or for cooking purposes, any imitation butter or imitation cheese, unless such keeper, proprietor, or other person in charge of such place of entertainment shall keep constantly posted in a most conspicuous place in the room or rooms, or other place where such imitations shall be served or sold, so that the same may be easily seen and read by any person in such room or place, a white card not less than ten by fourteen inches in size, on which shall be printed, in the English language, in plain, black Roman letters, not smaller than one inch in height and one-half inch in width, the words, "Imitation butter used here", or "Imitation cheese used here", as the case may be, and said cards shall not contain any other words or impressions.

**461. *Use of coloring-matter in cheese and butter substitutes.*** No person shall coat, powder, or color with annatto or any coloring-matter whatever, any substance designed to be used as a substitute for butter or for cheese, whereby such substance or product shall be caused to resemble butter or cheese, the product of pure milk or cream.

**462.** *Combining substances to counterfeit pure dairy products prohibited.* No person shall combine any animal fat or vegetable oil, or other substance, with butter or cheese, or combine therewith or with animal fat, or with vegetable oil, or with a combination of the two, or with either one, or with any substance whatever, any annatto or any other coloring-matter for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow, so that such substance shall resemble genuine yellow butter or cheese, nor introduce any such coloring matter or any such substance into any of the ingredients of which such substitute may be composed; Provided, that nothing in this Article shall be construed to prohibit the use of salt, rennet, or harmless coloring-matter for coloring the products of pure milk or cream from the same.

**463.** *Marking butter and cheese substitutes.* Every person who lawfully manufactures any substance designed to be used as a substitute for butter or for cheese, shall mark by branding, stamping, or stenciling upon the top and side of each tub, box, or other vessel in which such substitute shall be kept, or in which it shall be removed from the place where produced, in a clear and durable manner, in the English language, the words "Substitute for butter", or "Substitute for cheese", as the case may be, in printed letters, in plain Roman type, each of which shall not be less than one inch in height and one-half inch in breadth.

**464.** *Possession of butter and cheese substitutes regulated.* No person shall have in his possession or control, except for the actual consumption of himself or family, any substance designed to be used as a substitute for butter or cheese, unless the vessel containing it shall be marked as required in the preceding section.

**465.** *Penalty.* A violation of any of the foregoing provisions of this Article shall be a misdemeanor.—*Code of Georgia, 1895, vol. 3, pp. 137-139.*

---

**547.** *Sale of oleomargarine without notice.* If any manufacturer, merchant, shop-keeper, or other person shall sell or expose for sale the product known as "oleomargarine", without first branding, marking or labeling it in a legible manner and conspicuous place with the word "oleomargarine", so as to be easily observed by persons offering to purchase, and also without first informing the person offering to purchase that the article is oleomargarine, he shall be guilty of a misdemeanor.

**548.** *Notice to guests of use of oleomargarine.* If the proprietor, keeper or manager of any hotel, inn, restaurant or house of public entertainment, shall knowingly furnish, offer or set before, or permit to be offered, furnished or set before his guests, the article known as "oleomargarine", without first putting his guests on notice by posting in conspicuous places in the dining-room, and in all other rooms where the guests of such house are accustomed to take meals, and also in the private rooms where the guests of such house are accustomed to take meals, and also in the private rooms of the guests, notices that can be easily observed and read by the guests, in the following words: "This house uses oleomargarine," and also by printing said notice on their bills of fare when bills of fare are used by such house, he shall be guilty of a misdemeanor.—*Code of Georgia, 1895, vol. 3, p. 153.*

## HAWAII.

### GENERAL FOOD LAWS.

SEC. 1. *Adulteration of food and drugs.* No person shall within the Territory of Hawaii manufacture, offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act.

SEC. 2. "*Drug*" and "*food*" defined. The term "drug" as used in this act shall include all drugs, medicine, or medicinal preparations for internal or external use, antiseptics, antiseptic dressings, disinfectants, and cosmetics. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed, or compound.

SEC. 3. "*Adulteration defined.*" An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs:

(1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality, or purity laid down therein; (2) if, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia, or some other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) if its strength, quality, or purity falls below the professed standard under which it is sold; (4) if it contain any substance inimical or dangerous to life without the same being duly stated on the label or wrapper.

(b) In the case of food:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength, or purity; (2) if any inferior or cheaper substance or substances have been substituted, wholly or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of or is sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance or article, whether manufactured or not; or, in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient to its manufacture: *Provided*, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not injurious to health, and contain no ingredient not necessary to the preparation of a genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

SEC. 4. *Samples.* Every person manufacturing, offering, or exposing for sale, or delivering to a purchaser, any drug or article of food, included in the provisions of this act, shall furnish to the duly appointed food commissioner, upon demand, either personally or in writing, a sample sufficient for the analysis of any such drug or article of food which is in his possession.



SEC. 5. *Penalties.* Whoever refuses to comply, upon demand, with the requirements of section 4, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed one hundred nor less than twenty-five dollars, or imprisoned at hard labor not exceeding one hundred nor less than thirty days, or both. And any person found guilty, under the provisions of this act, of manufacturing, offering for sale, or selling an adulterated article of food, or drug, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all the necessary expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling, or offering for sale.

SEC. 6. *Food Commissioner; salary, etc.* To carry out the provisions of this Act, the Board of Health shall appoint a duly qualified Food Commissioner and analyst, who shall receive such salary as the Legislature shall from time to time appropriate and who shall furnish good and sufficient bonds of not less than Two Thousand Dollars (\$2,000.00) for the proper and unprejudiced performance of his duties and who shall be provided by the Board of Health with the necessary chemical and micro-chemical apparatus, together with a proper office and laboratory for work.

SEC. 7. *Duties of Food Commissioner.* It shall be the duty of the Food Commissioner to carefully inquire into the quality of the several articles which are foods or the necessary constituents of foods manufactured or for sale, sold or exposed for sale within the Territory of Hawaii, and he may in a lawful manner procure samples thereof, subject the same to careful examination and report the result of such analysis of all or any of such food and drink products or dairy products, as are adulterated, impure or unwholesome, in contravention of the laws of the Territory of Hawaii, to the Board of Health, and it shall be the duty of the Food Commissioner, with the consent of said Board of Health, to make complaint, with the necessary evidence, through the proper authorities against such manufacturer or vendor.

SEC. 8. *Inspection.* The Food Commissioner, with the consent and sanction of the Board of Health, shall have power in the performance of his duties, to enter into any creamery, factory, store, salesroom, storageroom, drug store or laboratory, or any place where he has reason to believe food or drink are made, prepared, sold or offered for sale, and to open any cask, tub, jar, tin, bottle, case or package containing or supposed to contain any article of food or drink and examine or cause to be examined the contents thereof, and to take therefrom samples for analysis.

SEC. 9. *Monthly report.* The Food Commissioner shall make a monthly report in writing to the President of the Board of Health containing the results of inspection and analysis in detail; and upon request of the said Board he shall furnish for publication a popular explanation of the same covering any month or period, together with any such other information, as may come to him in his official capacity relating to the adulteration of drugs and food and drink products, so far as the same may be deemed by said Board of Health to be of benefit and advantage to the public.

SEC. 10. *Complaints.* The Food Commissioner shall investigate complaints on the information of any person who shall lay before him satisfactory evidence of the same.

SEC. 11. *Jurisdiction.* Jurisdiction is hereby conferred upon all district magistrates to hear and determine all cases arising under this act.—*Session Laws, 1898, act 34, amended by Territorial Act.*

#### MILK.

769. *License.* The annual fee for a license to sell milk shall be Two Dollars and Fifty Cents.—*Session Laws, 1896, ch. 64, as amended by Session Laws, 1898, ch. 57.*

#### TERRITORIAL REGULATIONS.

23. *Decayed or unwholesome products in markets.* No tainted or decayed meat, fish, birds or fowl, fruit or vegetables, nor any milk, which is not healthy, fresh, sound, wholesome, and fit and safe for human food, nor any meat or fish that died from dis-

ease, shall be brought into or offered for sale as food or kept in any public or private market anywhere within the Territory of Hawaii.

**24. *Inspection of markets, etc.*** All public and private markets, together with all tools, machinery, and appurtenances connected therewith, and all articles therein exposed or offered for sale as food or drink, and the contents of all ice chests and refrigerators in which any kind of food or drink is or may be kept for sale, shall be subject at all reasonable hours to the inspection of the board of health or its agent, and upon any cattle, meat, birds, fowl, fish, fruit, vegetables, or any other articles of food or drink being found by any inspector, agent, or other officer of the board of health in a condition which is unwholesome and unfit for use as human food he shall condemn the same and cause it to be removed and suitably disposed of, at the expense of the owner of the same.

**25. *Food condemned by board of health.*** No person shall expose or offer for sale, or shall sell, or cause or allow to be used as food or drink, any article which has been condemned by the board of health or its agent.

**26. *Cleanliness of markets.*** The stalls, floor, grounds, and appurtenances in and about all markets or any place where any article is kept or offered for sale as food or drink shall be kept in a cleanly and wholesome condition, free from accumulations or deposits of manure or filth of any kind.

**27. *Badly cured meat, etc.*** Any bad or badly cured meat, or any substance which is emitting a noxious, deleterious effluvium, must be immediately removed, at the expense of the owner, from the premises where they are stored, notice having first been given by the board of health or its agent.

**40. *Adulterated foods.*** The sale of any article of food which has any substance mixed with it so as to lower or depreciate or injuriously affect its quality, strength, or purity is prohibited, unless the same shall be sold in accordance with regulation No. 43.

**41. *Fraudulent adulteration.*** The sale of any article of food for which an inferior or cheaper substance has been substituted, in whole or in part, is prohibited, unless the same shall be sold in accordance with regulation No. 43.

**42. *Imitation foods.*** The sale of any imitation of an article of food for the genuine is prohibited. Such imitation, if not injurious to health, may be sold when the package or container is plainly marked and sold as such.

**43. *Labeling of mixtures or compounds.*** The sale of all mixtures or compounds recognized as ordinary food mixtures is prohibited unless the same shall be distinctly labeled as such mixture or compound.

**44. *Injurious adulterations.*** The sale of any article of food which contains any added substance or ingredient which is poisonous or injurious to health is prohibited.

**45. *Salicylic acid prohibited.*** Salicylic acid has been declared by the board of health to be a deleterious substance when mixed with any article of food or drink, and as such injurious to health.

The sale of any article of food or drink containing salicylic acid is prohibited.—*Laws Relating to Health Matters and Rules and Regulations of the Board of Health, pp. 59 and 62.*

## IDAHO.

The State of Idaho has no officer for the enforcement of its food laws.

### GENERAL FOOD LAWS.

**6918.** *Adulterated food and drugs.* Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

**6919.** *Tainted or diseased food and drugs.* Every person who knowingly sells, or keeps or offers for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing the same has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drank, with intent to permit the same to be eaten or drank, is guilty of a misdemeanor.

**6920.** *Sale of famished animals.* Every person who slaughters, offers or exposes for sale to the public any animal or animals that have been confined for forty-eight hours or more without proper food, or twenty hours without water, is guilty of a misdemeanor.—*Act of January 27, 1883. Revised Statutes, 1887, p. 744.*

### BUTTER.

**6917.** *Imitation or adulterated butter.* Every person who sells or keeps for sale, or offers for sale, or otherwise disposes of oleomargarine, butterine, mixture imitating butter, or adulterated butter, under the name of or under the pretense that the same is butter, or keeps for sale or manufactures oleomargarine, butterine, mixture imitating butter, or adulterated butter, without branding the same or the package in which it is contained, on the outside thereof, with the word oleomargarine, butterine or adulterated butter, is guilty of a misdemeanor.—*Revised Statutes, 1887, p. 744.*

---

**SEC. 1.** *Adulteration defined.* For the purpose of this Act, every article, substitute, or compound, other than that which is procured from pure milk or cream therefrom, made in the semblance of butter, and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter.

*Provided,* That the use of salt and harmless coloring matter, for coloring the product of pure milk or cream, shall not be construed to render such product an imitation.

**SEC. 2.** *Coloring matter.* No person shall coat, powder, or color with annatto or any coloring matter whatever, any substance designed as a substitute for butter, whereby such substitute or products so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter or combine therewith, or with animal fat, or vegetable oil, or combination of

the two, or with either one, or other substance, or substances, for the purpose or with the effect of imparting thereto, a yellow color or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter; nor introduce any such coloring matter or such substance or substances, into any of the articles of which the same is composed;

*Provided*, Nothing in this Act shall be construed to prohibit the use of salt, rennet or harmless coloring matter for coloring the products of pure milk, or cream from the same.

No person shall, by himself, his agent or employees, produce or manufacture any substance in imitation or semblance of natural butter; nor sell, or keep for sale, nor offer for sale, any imitation butter; made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

This section shall not be construed to prohibit the manufacture and sale, under the regulations hereinafter provided, of substances designed to be used as a substitute for butter, and not manufactured or colored as herein prohibited.

SEC. 3. *Marking butter substitutes.* Every person who lawfully manufactures any substance designed to be used as a substitute for butter, shall mark, by branding, stamping or stenciling upon the top and side of each tub, firkin, box or other package in which said article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the word "Oleomargarine," or the word "Butterine," or the words "Substitute for Butter," or the words "Imitation Butter," in printed letters in plain, Roman type each of which shall not be less than three-quarters of an inch in length.

SEC. 4. *Purchaser to be informed.* It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

SEC. 5. Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor.—*Approved, March 6, 1899. (Laws 1899, H. B. No. 219, p. 392.)*

#### CANDY.

SEC. 1. *Adulteration.* No person shall, by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health.

SEC. 2. *Penalties.* Whoever violates any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not exceeding one hundred dollars, nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both; and he shall be adjudged to pay in addition, all necessary costs and expenses incurred in the inspection and analyzing such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

SEC. 3. *Prosecutions.* It is hereby made the duty of the county and prosecuting attorneys of this State to appear for the State, and to attend to the prosecution of all complaints under this Act in all the courts in their respective counties.—*Approved, February 16, 1899. (Session Laws, 1899, H. B. No. 238, p. 398.)*

#### VINEGAR.

SEC. 1. *Adulteration.* No person shall manufacture for sale, or knowingly offer for sale, or have in his possession with intent to sell, any vinegar found upon proper

test to contain any preparation of lead, copper, sulphuric acid, or other ingredient injurious to health.

SEC. 2. *Handling and branding of adulterated vinegar.* No person, by himself, his servant, or agent, or as the servant or agent of any other person, shall sell, exchange, deliver or have in his custody or possession, with intent to sell or exchange, expose or offer for sale or exchange, any adulterated vinegar, or any vinegar not in compliance with the provisions of this Act. Nor shall he label, brand or sell as cider vinegar, or as apple vinegar any vinegar not the legitimate product of pure apple juice, or not made exclusively from apple cider.

SEC. 3. *Barrels to be marked with kind, and standard strength.* All manufacturers of vinegar, in the State of Idaho, and all persons who reduce or re-barrel vinegar in this State, and all persons who handle vinegar in lots of one barrel or more, are hereby required to have stenciled or marked in black letters and figures at least one inch in length on the head of each barrel or package of vinegar bought or sold by them the kind (cider, malt, grain or wine etc.) and the standard strength of the vinegar contained in the package or barrel, which shall be denoted by the per cent. of acetic acid. All vinegar except cider, shall have an acidity equivalent to the presence of not less than four and one-half per cent., by weight, of absolute acetic acid and in case of cider vinegar it shall contain not less than two per cent by weight, of cider vinegar solids upon full evaporation over boiling water.

SEC. 4. *Dilution.* That no person or persons known as retailers who sell vinegar by the gallon shall reduce by water or other mixtures the strength of vinegar purchased and sold by them, unless he shall mark in plain figures on said package, or barrel, the strength of the vinegar still contained in said package or barrel.

SEC. 5. *Penalty.* Whoever violates any of the provisions of this Act shall be deemed guilty of a misdemeanor, and all vinegars found in their possession not in accordance with this Act shall be subject to forfeiture and spoilation.<sup>a</sup>

This Act shall be construed as meaning that the possession of vinegar in barrels or packages shall be prima facie evidence of having the same for sale.

SEC. 6. This Act shall take effect upon approval.—*Approved, March 9, 1899. (Session Laws 1899, S. B. No. 88, p. 368.)*

---

<sup>a</sup>So in statutes.

